



**Buena Vista Charter Township  
Saginaw County, Michigan  
Zoning Ordinance**

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## **Chapter 1**

# **TITLE AND INTENT**

### **Section 101. Preamble.**

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, to establish zoning districts and boundaries, to regulate and encourage or prohibit the use of land and buildings, to provide for the administration, enforcement, penalties for violation, and amendment of this Ordinance, and for all other purposes described in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

### **Section 102. Short Title.**

This Ordinance shall be known and may be cited as the Buena Vista Charter Township Zoning Ordinance.

### **Section 103. Purpose and Objectives.**

It is the general purpose of this Ordinance to promote public health, safety, convenience, and general welfare. To accomplish said purpose, this Ordinance contains regulations that address the following objectives:

- (A) Promote the proper use and development of land, buildings and natural resources, according to their ability to meet citizens' needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade service, and other uses of land.
- (B) Protect the community's quality of life, maintain a high aesthetic standard for the appearance of public and private property, and enhance the social and economic stability of the township.
- (C) Minimize congestion of public facilities and roadways, encourage safe and convenient access for buildings and activities, and prevent overcrowding of land.
- (D) Facilitate adequate and efficient provision of public services and facilities, such as water supply, sewers, drainage, waste disposal, transportation, communication, energy, education, recreation and public safety.
- (E) Fix reasonable standards to guide physical development of the township and of each zoning district, and provide for enforcement of said standards.
- (F) Insure that land uses shall be situated in appropriate locations and relationships, thereby balancing one person's right to the peaceful use and enjoyment of his or her property with the rights of others to the peaceful use and enjoyment of neighboring properties.
- (G) Provide for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.
- (H) Define the duties and responsibilities of the Township Board, Planning Commission, and the Zoning Board of Appeals under this Ordinance and defining the powers and duties thereof.
- (I) Designating and defining the powers and duties of persons charge with the administration and enforcement of this Ordinance.

- (J) Provide for the payment of fees for zoning permits and approvals required by this Ordinance and provide for penalties for the violation of this Ordinance.

**Section 104. Interpretation.**

The provisions of this Ordinance shall apply to all land structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance. These provisions shall be held to be minimum requirements adopted to promote public health, safety, comfort, convenience and general welfare.

- (A) **Relationship to Other Ordinances or Agreements.** This Ordinance is not intended to repeal or annul any Ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance, subject to the following:
- (1) Private deed restrictions or restrictive covenants shall have no effect on the applicability of this Ordinance.
  - (2) Where the regulations of this Ordinance are more restrictive or imposed higher standards or requirements than other such Ordinances, rules or regulations the requirements of this Ordinance shall govern.
- (B) **Unlawful Structures and Uses.** A structure or use not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance.
- (C) **Vested Right.** Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

## Chapter 2 DEFINITIONS

### Section 201. Rules of Construction.

The following rules of construction apply to the text of this Ordinance.

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (3) Words used in the present tense include the future tense, words used in the singular include the plural, and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
- (4) The word "dwelling" includes "residence."
- (5) The term "act" or "action" includes "omission to act."
- (6) The term "Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance of Buena Vista Charter Township and any amendments thereto.
- (7) The terms "abutting" or "adjacent to" includes land across a zoning or governmental boundary, property line, road, alley, dedicated right-of-way or access easement.
- (8) The word "person" includes an individual, association, organization, corporation (public or private), partnership or co-partnership, limited liability company, incorporated or unincorporated association, firm, trust or any other entity recognizable as a "person" under the laws of the State of Michigan.
- (9) The word "structure" includes the word "building." The word "build" includes the words "erect" and "construct". A "building" or "structure" includes any part thereof.
- (10) The word "parcel" includes the words "plot," "tract," or "lot."
- (11) The terms "shall" or "must" are always mandatory and not discretionary, the word "may" is permissive and discretionary.
- (12) The words "used" includes "intended," "arranged", "designed" or "occupied."
- (13) The word "sales" includes the concepts of "rental," "leasing," or similar transactions.
- (14) Words or terms defined in this Chapter shall be construed as defined herein. Words or terms not defined in this Chapter shall be defined in terms of their common or customary usage.
- (15) The phrase "such as" shall mean "such as but not limited to," and the words "include" or "including" shall mean, "including but not limited to."



- (16) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions or provisions connected by one of the following conjunctions, the conjunction shall be interpreted as follows:
  - (a) "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - (b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- (17) Terms referred to in the masculine gender include the feminine.
- (18) Unless otherwise stated, the word "days" shall mean calendar days; "month" shall mean any consecutive period of 30 calendar days; and "year" shall mean any consecutive period of 365 calendar days.

**Section 202. Definitions.**

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

- (1) **Adult Day Care Facility.** A facility which provides care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
- (2) **Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- (a) **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.
  - (b) **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
  - (c) **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.
- (3) **Adults-Only Businesses**
    - (a) **Adult Arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, internet or mechanically

controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of “sexually explicit activities” or specific anatomical areas.”

(b) **Adult Bookstore or Adult Video Store** means a commercial establishment which offers for sale or rental for any form of consideration, occupying fifteen (15) percent or more of the floor area of the establishment, any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions slides or other visual representation which depict or describe “sexually explicit activities” or specified anatomical areas”, or
2. Instruments, devices or paraphernalia which are designed for use in connection with “sexually explicit activities.”

(c) **Adult Cabaret** means a nightclub, bar restaurant or similar commercial establishment which regularly features:

1. Persons who appear in a state of restricted nudity; or
2. Live performances which are characterized by the partial exposure of “specified anatomical areas”, or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “sexually explicit activities” or “specified anatomical areas.”

(d) **Adult Motel** means a hotel, motel or similar commercial establishment which:

1. Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by the depiction or description of “sexually explicit activities” or “specific anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Permit patrons to be filmed or photographed performing “sexually explicit activities” or displaying “specified anatomical areas” for electric transmission over the World Wide Web; or
3. Offer a sleeping room for rent for a period of time that is less than ten (10) hours; or
4. Allow a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

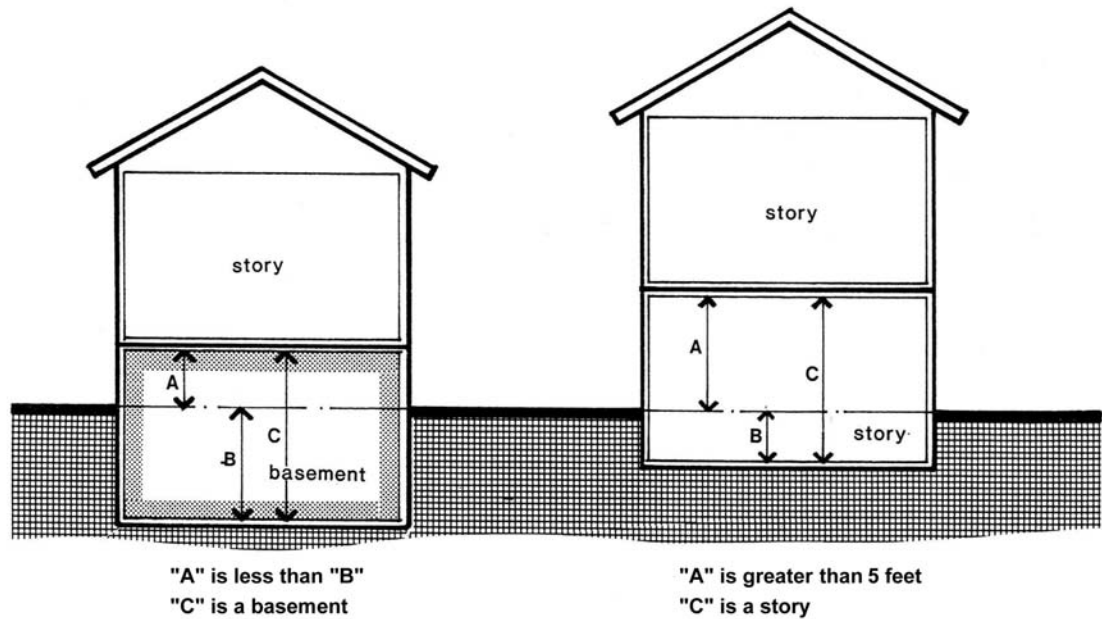
(e) **Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “sexually explicit activities” or “specified anatomical areas”.

- (f) **Adult Theater** means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by the performance of “sexually explicit activities.”
- (g) **Escort** means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (h) **Escort Agency** means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- (i) **Establishment** means and includes any of the following:
1. The opening or commencement of any sexually oriented business as a new business;
  2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  3. The location or relocation of any sexually oriented business.
- (j) **Nude Model Studio** means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.
- (k) **Nudity or a State of Nudity** means the appearance of a human bare buttock, anus, male genitals, female genitals or female breast, as defined by MCL.41.181 (3); MSA 5.45(3).
- (l) **Semi-Nude** means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- (m) **Sexual Encounter Center** means a business or commercial enterprise that, as one (1) of its primary business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  2. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing “sexually explicit activities” or displaying “specified anatomical areas” for electronic transmission over the World Wide Web.
- (n) **Sexually Explicit Activities** means and includes any of the following:
1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
  2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
  3. Masturbation, actual or simulated;

4. Excretory function as part of or in connection with any of the activity set forth in 1. through 3. above.
  5. Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires.
- (o) **Sexually Oriented Business** means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexually encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web.
- (p) **Specified Anatomical Areas** means and includes and of the following:
1. Less than completely and opaquely covered human genitals, pubic region or pubic hair; buttock; or female breast or breast or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or
  2. Human genitals in the state of sexual arousal, even if opaquely and completely covered.
- (q) **Substantial Enlargement** of a sexually oriented business means the increase in floor area occupied by the business by more than ten (10) percent.
- (r) **Substantial Portion.** A use or activity accounting for more than 20 percent of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.
- (s) **Transfer of Ownership or Control** of a sexually oriented business means and includes any of the following:
1. The sale, lease or sublease of the business;
  2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
  3. The establishment of a trust, gift or other similar legal devise which transfer the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- (4) **Airport, Private or Public.** The use of land for the landing or take off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo and all appurtenant areas used or acquired for airport buildings or other airport facilities.
- (5) **Alterations.**
- (a) **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.

- (b) **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
  - (c) **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.
- (6) **Animal.** Any nonhuman members of the animal kingdom.
- (a) **Domestic.** Any non-wild animal customarily kept by humans for companionship, including dogs, cats, birds, rabbits, rodents, turtles, fish, non-poisonous snakes or lizards, and the like.
  - (b) **Domestic Fowl.** Domesticated birds commonly used for eggs or meat. Domestic fowl include, but are not limited to, chickens, ducks, geese, and turkeys.
  - (c) **Wild or Exotic.** Any animal that is wild by nature and not customarily domesticated, or an animal so designated by Saginaw County or Buena Vista Charter Township.
- (7) **Automobile.** Any non-commercial motorized vehicle used primarily for the transportation of passengers, including cars, light trucks, vans, motorcycles, and the like, unless specifically indicated otherwise.
- (a) **Automobile-Oriented Use.** Any place of business that primarily provides automobile-related services and/or that provides goods or services to customers while in an automobile. Such uses include those listed below.
  - (b) **Automobile Detailing Shop.** A commercial establishment that provides services such as application of paint protectors, interior and exterior cleaning and polishing, and installation of after-market accessories including tinting, spoilers, sunroofs/moon-roofs, headlight covers, car alarms, CB radios, stereo equipment, or cellular telephones. Automobile detailing does not include car wash, engine degreasing, or similar automobile cleaning services.
  - (c) **Automotive Repair/Maintenance or Garage/Shop/Station.** A commercial establishment that provides major or minor repair services for automobiles, trailers, recreational vehicles, motorcycles, or similar non-commercial motor vehicles, but excludes dismantling, wrecking, or salvage.
  - (d) **Major Repair Service.** Includes general repair, rebuilding, or reconditioning of engines, transmissions, motor vehicles, or trailers; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust proofing; major painting services; or similar servicing, rebuilding, or repairs that normally do require significant disassembly and/or overnight on-site storage of vehicles.
  - (e) **Maintenance or Minor Repair Service.** Includes the replacement of any part or repair of any part that does not require removal of the engine head or pan, transmission, or differential; engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment and/or balancing; sales and installation of batteries and/or tires; incidental body and fender work; minor painting and upholstering service; or similar servicing or repairs not as part of collision repair that normally do not require any significant disassembly or overnight on-site storage of vehicles.

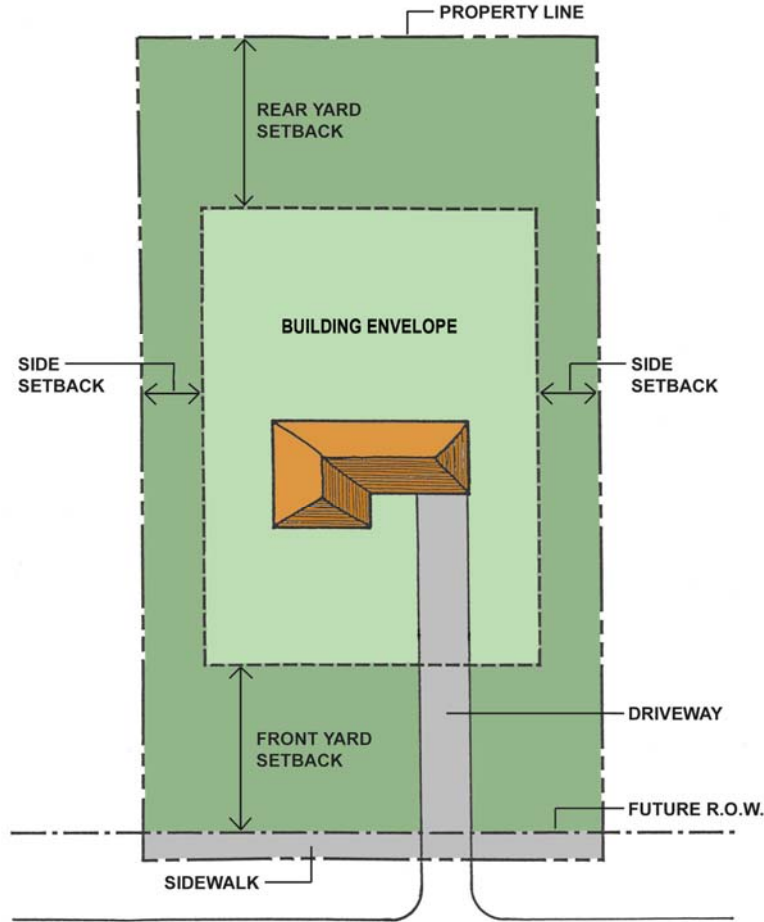
- (f) **Car Wash.** A facility for the washing and/or waxing of automobiles but not heavy trucks or commercial fleets.
- (8) **Automobile Dealership.** Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles, or similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of vehicles sold or leased by the dealership, provided all such minor repair or service activities occur within an enclosed building.
- (9) **Automobile and/or Vehicle Rental Establishment.** A building or premises used primarily for the lease or rental of automobiles and/or vehicles, including house trailers, recreational vehicles, trailers and other vehicles.
- (10) **Basement.** That portion of a building having not more than one-half of its height above finished grade. A basement shall not be counted as a story for the purpose of height measurement unless its ceiling is more than five feet above the average level of the adjoining ground or if the basement is used as a public area for any business or contains a bedroom of a dwelling. (See illustration "Basement and Story")



## Basement and Story

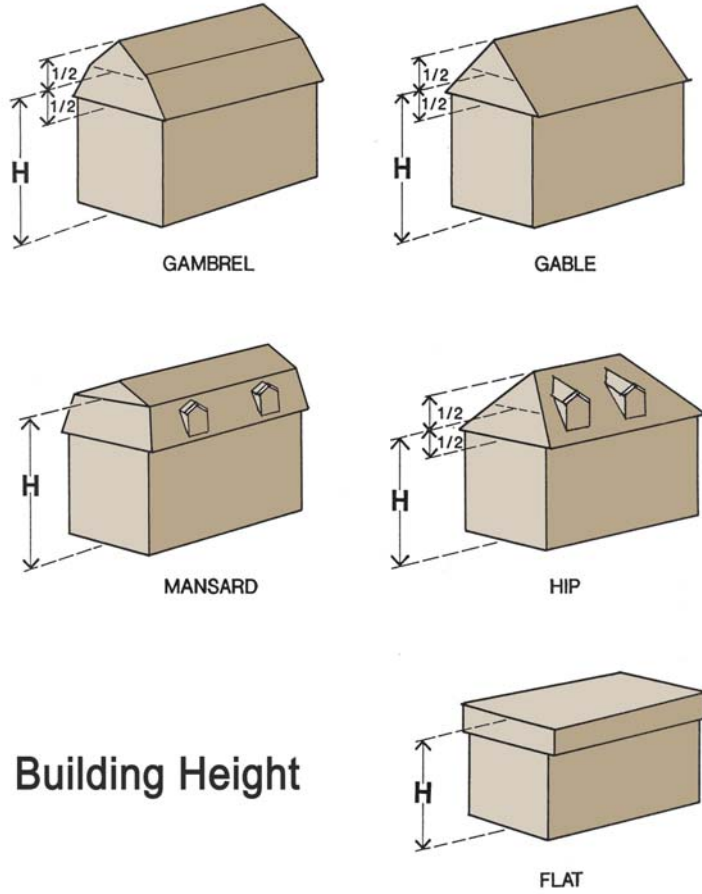
- (11) **Building.** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, materials, or property of any kind. This shall include tents, awnings or vehicles located private land and used for purposes of a building.
  - (a) **Accessory Building or Structure.** A building, structure or portion of a principal building, subordinate to and on the same premises as the principal building(s) and use(s). Accessory buildings and structures shall include but are not limited to: garages, garden equipment sheds, small greenhouses, and swimming pools.

- (b) **Building Height.** The vertical distance measured from the established grade to a point determined by the style of roof. (See illustration “Building Height”).
- (c) **Principal Building.** A building in which is conducted the principal use of the lot on which said building is situated.



### Building Envelope

- (12) **Building Official.** The person or persons designated by the Township to administer and enforce the provisions of the State Construction Code enforced by the Township.
- (13) **Building Supply Yard.** A business that may sell any type of material for use in the construction, maintenance or repair of buildings. It is distinguished by the outdoor storage of products that will not deteriorate as a result of exposure to the elements. A business selling lumber, which stores any material outdoors, is a building supply yard, not a lumberyard.



**Building Height**

- (14) **Business Services.** An establishment which provides services to other businesses as their primary clientele, and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas), sign production and installation, equipment rental or repair, building maintenance, and self-service storage.
- (15) **Caliper.** The diameter of a tree trunk measured 18 inches above the ground level. The full caliper of the largest trunk plus half the caliper of the other trunks determine the caliper of a multiple-trunk tree.
- (16) **Child Care Facility.** A governmental or nongovernmental entity having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of 18 years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Child care facilities are classified below:
  - (a) **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or



- emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools or an adult foster care facility in which a child has been placed.
- (b) **Child Day Care Center.** A facility, other than a private residence, receiving one or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- (c) **Family Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.
- (d) **Foster Family Group Home.** A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (e) **Foster Family Home.** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (f) **Group Day Care Home.** A private home, as licensed by the State of Michigan, in which up to 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage or adoption.
- (17) **Church, Temple, Place of Worship or Religious Institution.** A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.
- (18) **Club.** An organization catering exclusively to members and their guests, with premises and buildings operated for recreational, artistic, political, or social purposes, not for gain. A club provides merchandise, vending, or commercial activities only as required incidentally for the membership and purpose of such organization. Also "private club."
- (19) **Commercial School.** A private educational facility generally operated for profit and offering instruction in art, business, music, dance, trades, sports, continuing professional education or other subjects.
- (20) **Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the State Condominium Act, Public Act 59 of 1978, as

amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

- (a) **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act, Public Act 59 of 1978, as amended.
- (b) **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
- (c) **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (d) **Site Condominium.** All allocation or division of land permitted under the Condominium Act, Public Act 59 of 1978, as amended, which permits single family detached housing pursuant to a master deed.
- (e) **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- (f) **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act, Public Act 59 of 1978, as amended.
- (g) **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio.
- (h) **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
- (i) **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.
- (j) **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.
- (k) **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.

- (l) **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (21) **Convalescent or Nursing Home.** A building wherein infirm or incapacitated persons reside and are furnished shelter, care, food, lodging, and needed attention for compensation.
- (22) **Corner Clear Vision Area.** A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.
- (23) **Cul-De-Sac.** A dead end public or private street that terminates in a circular or semi-circular section of street that allows for vehicle turnaround.
- (24) **Curb Cut.** The ingress and egress for a property provided for vehicular traffic to or from a public or private thoroughfare.
- (25) **Deceleration Lane.** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.
- (26) **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
- (27) **Demolition.** An act or process that destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.
- (28) **Density.** The number of dwelling units per net acre of land.
- (29) **Detention Basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
- (30) **Development.** The construction of new structures or other site improvements on a zoning lot; relocation, alteration or expansion of an existing building; or the use of open land for a new use.
- (31) **District.** A portion of Buena Vista Charter Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term “zoning district.”
- (32) **Drive-in or Drive-Through Establishments.** A business establishment that provides a drive-through window(s), a driveway approach, or parking area for motor vehicles, where patrons are to be served or given purchased items for consumption off-premises while they are in the vehicle, rather than within a building or structure.
- (33) **Dwelling Unit.** Any building, or part thereof, containing sleeping, kitchen and bathroom facilities designed for and occupied by one family. In no case shall a detached or attached garage, travel trailer, motor home, automobile, tent or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied, in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for purposes of this Ordinance.

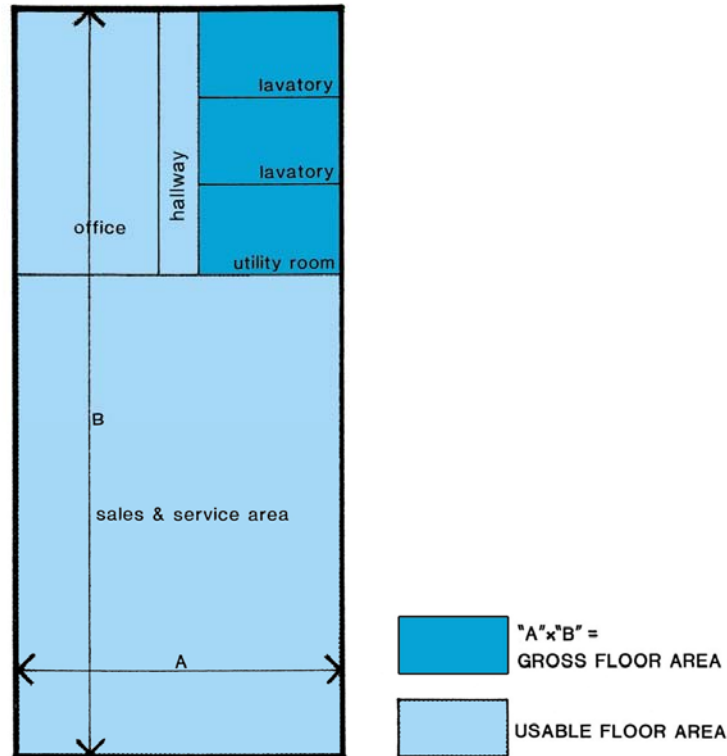
- Dwelling Types:**
- (a) **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one family.
  - (b) **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two families, living independently of each other, with separate housekeeping, cooking, and sanitation facilities. .
  - (c) **Multiple-Family Dwelling.** A building designed for and occupied by three or more families living independently, with separate housekeeping, cooking, and sanitation facilities.
  - (d) **Mobile Home.** A manufactured dwelling, transportable in one or more sections, which is build upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered a mobile home for the purposes of the Ordinance.
  - (e) **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one family or a group of individuals living together as a single housekeeping unit.
  - (f) **Congregate Living Units.** Individual areas within a given congregate living dwelling that provides an enclosed living environment for self-maintenance activities, such as sleeping, grooming, bathing, and toiletry. No more than two persons may permanently occupy each living unit.
  - (g) **Zero Lot Line Duplex.** One of a group of two-family dwellings wherein each dwelling unit is located on its own separate lot. The two dwelling units share a firewall that is situated along a common lot line. Zero lot line duplex dwellings are situated side by side exclusively, have separate entrances and share no common living or storage space.
- (34) **Easement.** A grant of one or more of the property rights by a property owner to or for use by the public or another person or entity.
  - (35) **Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead electrical, gas, water transmission and sewage and stormwater collection systems, communication, supply or disposal systems including the equipment and appurtenances necessary for such systems to furnish an adequate level of public service. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this Ordinance.
  - (36) **Façade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.
  - (37) **Family.** Means either of the following:
    - (a) A domestic family, that is, one or more persons related by blood, marriage, or adoption, living and cooking together, inclusive of household servants of the principal occupants and not more than one additional unrelated person in a single non-profit domestic housekeeping unit.
    - (b) The functional equivalent of the domestic family, that is, persons living and cooking together in a single non-profit housekeeping unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional

equivalent of the bonds that render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, group of students, association, lodge, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

- (38) **Farm.** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.
- (a) Farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, livestock production facilities, greenhouses or stockyards, except where such uses are permitted by this Ordinance.
  - (b) A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those uses permitted by this Ordinance or incidental to the active agricultural use.
  - (c) A farm as defined but not limited to Generally Accepted Agricultural Management Practices (GAAMPS) as determined by the Michigan Commission of Agriculture and as provided in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended.
- (39) **Farm Building.** Any structure, other than a dwelling, that is constructed, maintained, and used on a farm, and that is essential and customarily used for agricultural operations.
- (40) **Feedlot.** A confined area or structure used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation.
- (41) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
- (a) **Area of Special Flood Hazard.** Land in a floodplain subject to a one percent or greater chance of flooding in any given year.
  - (b) **Base flood elevation.** The expected elevation for the 100-year flood at a particular location, depicted on the Federal Emergency Management Agency's flood insurance rate map for Buena Vista Charter Township.
  - (c) **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raises the water levels.
  - (d) **Floodway.** The channel of a river or other watercourse and the adjacent land when high amounts of precipitation are experienced or natural cyclic conditions raises the water levels.
  - (e) **Floodway Fringe Area.** Land areas shown on official flood insurance rate maps between limits of the 100-year flood and the 500-year flood; or certain areas

subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

- (f) **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Buena Vista Charter Township.
- (42) **Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.
- (43) **Floor Area, Usable (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of five feet or more.



**Floor Area**

- (44) **Frontage.** A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.

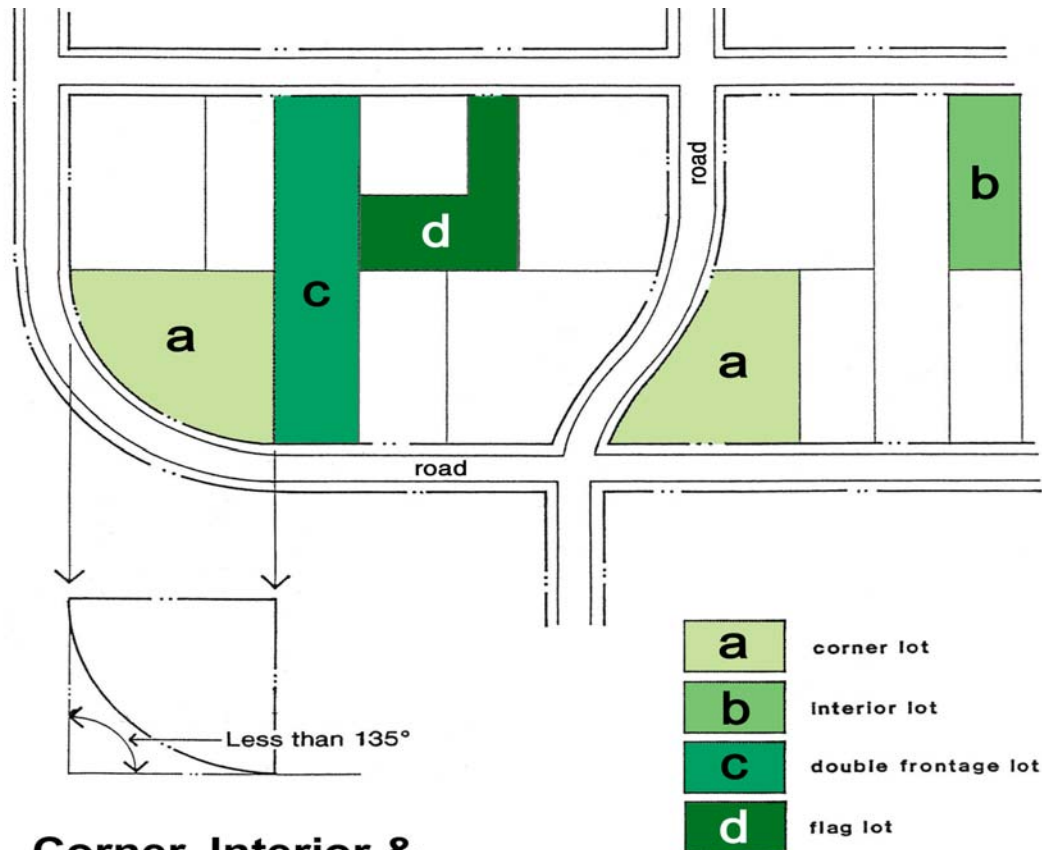
- (45) **Front Line of Building.** The line that coincides with any point(s) on the exterior wall of a building nearest the front lot line, not including permitted yard encroachments. Said line shall be generally parallel to the front lot line.
- (46) **Fuel Dealer.** A business that stores any flammable liquid or gas on the premises for wholesale distribution or retail sale as fuel for various types of equipment. This definition does not include "auto service."
- (47) **Gas Station or Fueling Station.** An establishment where motor fuels (including gasoline, diesel fuel, and alternative fuels) and lubricants are sold and/or dispensed as the principal use on the site. Household propane and kerosene sales may be permitted pursuant to this Ordinance.
- (a) **Gas Station with Convenience Store.** Any commercial establishment that sells both motor fuels and convenience items for which payment may be made inside a structure on the site. Convenience items may include hot or cold beverages, prepackaged food items, and/or self-service food items, but not food prepared on the premises by a person other than the consumer.
- (b) **Gas Station with Carryout or Fast Food Restaurant.** Any commercial establishment that sells both motor fuels and food prepared on the premises by a person other than the consumer. Convenience items may or may not be available for sale. Seating areas for restaurant patrons may or may not be provided, but no table service shall be provided.
- (48) **Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- (49) **Grade, Average.** The arithmetic average of the lowest and highest-grade elevations in an area within six feet of the foundation line of a structure.
- (50) **Greenbelt.** A strip of land of definite width and location, planted with trees or shrubs in compliance with the requirements of this Ordinance.
- (51) **Hazardous Materials.** Pursuant to the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act, P.A. 93 of 1981, as amended:
- (a) Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.
- (b) "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767.
- (c) "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

- (d) "Petroleum" as defined in the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.
- (52) **Home Occupation.** Any business, occupation or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the dwelling for residential purposes
  - (a) **Hobby.** An incidental activity carried on by the occupant of the premises for personal enjoyment, amusement or recreation, where the articles produced or constructed are not sold and the activity is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
  - (b) **Home Office.** An activity by the occupant of the premises within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.
- (53) **Hospital.** An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injury, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food service, and staff offices.
- (54) **Incarceration Facility.** An institution for the involuntary confinement of persons taken into custody by any law enforcement agency, also any institution for the inpatient care and treatment of persons suffering from mental disorders, alcoholism or drug addiction.
- (55) **Institution, Large-Scale.** An institution, as defined herein, with a seating capacity of 1,500 people or more in its sanctuary or main area of assembly. A large-scale institution may also be characterized by any one (1) or more of the following features:
  - (a) Region-serving accessory facilities, such as high schools, colleges and seminaries;
  - (b) Parking for 500 passenger vehicles or more;
  - (c) One or more buildings with 100,000 square feet or more of gross floor area; or
  - (d) Other features, such as: large size of assemblies and resultant traffic surges, large off-street parking lots, retreat and conference centers or a major institutional character.
- (56) **Institutional Uses.** The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:
  - (a) Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
  - (b) Auditoriums, theaters, concert halls, and similar places of assembly.
  - (c) Libraries, museums, and similar centers for cultural activities.
  - (d) Churches, temples, and other places of worship.
  - (e) Post offices.
  - (f) Private clubs, fraternal organizations, and lodge halls.



- (57) **Junk.** Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.\
- (58) **Junkyard.** An outdoor area where used, secondhand or waste material is stored and may be bought, sold, exchanged, baled, packed, disassembled, shredded or otherwise handled. Note that the lawful operation of any junkyard requires a business license from the Township. See also section 402(5).
- (59) **Kenel.** Any building, lot, or premises where more than three dogs, cats or other domestic animals that are more than six months or older are kept, housed or boarded.
- (60) **Landfill.** A tract of land that is used to collect and dispose of “solid waste” as defined and regulated under the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.
- (61) **Lighting.** The following definitions are related to lighting:
- (a) **Fixture.** The assembly that holds the lamp in a lighting system. The fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
  - (b) **Floodlight.** A fixture or lamp designed to direct light over a broad area.
  - (c) **Footcandle.** Luminance produced on a surface one foot from a uniform point source of one candela, or when one lumen is distributed into an area of one square foot.
  - (d) **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
  - (e) **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
  - (f) **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). “Lamp” is often used to denote the bulb and its housing.
  - (g) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
  - (h) **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
  - (i) **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one lumen per square foot.
  - (j) **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.
- (62) **Loading Space.** An off-road space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

- (63) **Lot.** A parcel of land consisting of one or more lots of record, occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public street or road (see illustration “Corner, Interior and Double Frontage Lots”).
- (a) **Corner Lot.** A lot located at the intersection of two or more streets or a lot bounded on two sides by a curving street, provided that the streets intersect at an angle of not more than 135 degrees.
  - (b) **Double Frontage or Through Lot.** Any lot other than a corner lot having frontage on two public streets that do not intersect at a point contiguous to said lot.
  - (c) **Flag Lot.** A lot that is located behind other lots or parcels fronting on street but has a narrow extension to provide access to the street.
  - (d) **Interior Lot.** A lot other than a corner lot with only one lot line fronting on a street.



**Corner, Interior & Double Frontage Lots**

- (e) **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
- (i) Single lot of record.
  - (ii) Portion of a lot of record.
  - (iii) Combination of lots of record, or portion(s) thereof.
  - (iv) Condominium lot.
  - (v) Parcel or tract of land described by metes and bounds.
- (64) **Lot Area, Gross.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and water bodies.
- (65) **Lot Area, Net.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
- (66) **Lot Coverage.** The part or percentage of the lot that is occupied by buildings or structures.
- (67) **Lot Depth.** The horizontal distance measured from the front lot line to the rear lot line, measured along the median between the side lot lines.
- (68) **Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place.
- (a) **Front Lot Line.** Any line separating a parcel from a public street right-of-way.
    - (i) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.
    - (ii) Where lots border upon water bodies, the front lot line shall be designated as that line fronting on the water. The opposite yard will be considered the street/road frontage of the lot.
    - (iii) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.
  - (b) **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot.
  - (c) **Side Lot Line.** Any lot line that is not a front lot line or a rear lot line.
- (69) **Lot of Record.** A parcel of land, the dimensions of which are shown on any document or map recorded by the County Register of Deeds or in common use by community officials and which actually exists as shown, or any part of such piece of land held in a recordable ownership separate from that of the remainder thereof. Any such piece of land being sold under a land contract, which sale was commenced prior to the effective date of this Ordinance, and which piece conformed to the requirements of the Buena Vista Charter Township Zoning Ordinance as of the commencement of said sale, shall be deemed to be a lot of record. Note that a parcel may consist of multiple, contiguous lots of record under common ownership.

- (70) **Lot Split or Combination.** The dividing or combining of lots by virtue of changes in the deeds register at the office of the Saginaw County Register of Deeds, after approval by Buena Vista Charter Township.
- (71) **Lot Width.** The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines. At no time shall the measured lot width be less than ½ the required frontage for ½ of the lot depth.
- (72) **Lumberyard.** A business which emphasizes the sale of lumber and wood products, where all material available for sale is stored or displayed in the principal building or in accessory structures. See also "Building supply yard."
- (73) **Massage Therapist.** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.
- (a) **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.
- (74) **Master Plan.** The Comprehensive Development Plan of Buena Vista Charter Township, including graphic and written text indicating the Township's development goals and objectives, planned future use of all land within the Buena Vista Charter Township, general location for roads, parks, schools, public buildings, and all physical development, and any portion or amendment to such plan. Such plans shall have been adopted by the Planning Commission, and may or may not be adopted by Township Board.
- (75) **Mezzanine.** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than 50% of the floor area of the story in which the level or levels are located.
- (76) **Mobile Home.** A type of manufactured housing that is transportable in one (1) or more sections, which is built on a chassis and designed to be used as a single family dwelling with or without permanent foundation, when connected to the required utilities. These utilities shall include the plumbing, heating, air-conditioning, and electrical systems contained within the structure. Mobile homes shall not include recreational vehicles, motor homes, campers, or other transportable structures designed for temporary use and which are not designed primarily for permanent residence.
- (77) **Mobile Home Park.** A parcel upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, street, equipment, or facility used or intended for use incident to occupancy of mobile homes.
- (78) **Modular Home.** A single-family dwelling consisting of two or more prefabricated transportable building units that are designed to be incorporated at a building site into a structure on a permanent foundation.
- (79) **Motel/Hotel.** One or more buildings containing individual living or sleeping units offered for temporary occupancy on a day-to-day basis, with separate bathing and toilet facilities.
- (80) **Motor Home.** A self-propelled motorized vehicular unit primarily designed, used or constructed for travel or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."

- (81) **Noise.** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- (a) **A-Weighted Sound Level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
  - (b) **Day-Night Average Sound Level.** The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased 10 dB(A) before averaging.
  - (c) **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
  - (d) **Impulsive Sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
  - (e) **Noise Disturbance.** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
  - (f) **Noise Sensitive Zone.** An area which contains noise-sensitive activities such as but not limited to, operations of schools, libraries, churches, hospitals, and nursing homes.
  - (g) **Sound Level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency-weighting network (for the purposes of this Ordinance an A-weighted network), as specified by the *American National Standards Institute*.
  - (h) **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.
- (82) **Nonconformities.**
- (a) **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
  - (b) **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
  - (c) **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
  - (d) **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws Ordinances, regulations and codes.

- (e) **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws, Ordinances, and regulations.
- (i) **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws, Ordinances, regulations and codes.
- (ii) **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws, Ordinances, regulations and codes.
- (83) **Nuisance.** Any offensive, annoying, unpleasant or obnoxious object or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which prevents the free use of one's property or renders its normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.
- (84) **Open Space.** All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.
- (a) **Conservation Easement.** An interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition, as defined in section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.
- (b) **Development Rights.** The rights to develop land to the maximum intensity of development authorized by law.
- (c) **Greenway.** A contiguous or linear open space, including habitats, wildlife corridors, and trails, which link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
- (d) **Restrictive Covenant.** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.
- (e) **Undeveloped State.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf

course but may include a recreational trail, picnic area; children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public.

- (85) **Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building.
- (86) **Outdoor Motor Vehicle Storage or Dismantling Yard.** (See Junkyard)
- (87) **Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.
- (88) **Parking Lot.** A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives, aisles and maneuvering space.
- (89) **Parking Space.** A space set aside for the sole purpose of parking a motor vehicle on a temporary basis
- (90) **Permit, Zoning.** Authorization given by Buena Vista Charter Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in the Township in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. The term “permit” shall not include permits issued by Saginaw County and other county and state authorities with jurisdiction.
- (91) **Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development. When all improvements, facilities, or work is completed in conformance with all approvals, the performance guarantee will be returned to the entity that made the deposit.
- (92) **Personal Service.** A service business catering to the needs of individuals. These include but are not limited to hair styling, manicure, cosmetics, formal wear rental, laundry or dry cleaning drop off and pickup, millinery or tailoring, and repair of small appliances, watches, jewelry or shoes. Personal service is not included in the definition of “office.” Does not include any “adults only business”
- (93) **Planning Commission.** The Planning Commission for Buena Vista Charter Township, Saginaw County, Michigan, as established by Township Board resolution and authorized by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.
- (94) **Plat.** A map of a subdivision of land.
- (95) **Public Street.** A public thoroughfare owned and maintained by a public agency and providing motor vehicle access to abutting property. These include any existing state, county, or municipal roadways, except limited access highways. A public street includes all land within street right-of-way lines. Note that an unimproved public right-of-way does not constitute a public street.
- (96) **Public Utility.** Any business, municipal department or board fully authorized to furnish electricity, gas, steam, telephone, telegraph, cable television, pipeline, roadway, water, sewer or storm drainage service to the public.
- (97) **Recreation Establishment, Indoor.** A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities

- indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.
- (98) **Recreation Establishment, Outdoor.** A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.
- (99) **Recreation Area.** Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.
- (100) **Recreational Vehicle.** A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:
- (a) **Boats and Boat Trailers.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
  - (b) **Folding Tent Trailer.** A folding structure mounted on wheels and designed for travel and vacation use.
  - (c) **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
  - (d) **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
  - (e) **Travel Trailer.** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
  - (f) **Horse Trailer.** A structure mounted on wheels and designed primarily to be used for the transportation of horses.
  - (g) **Snowmobiles, Jet Skis, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.
  - (h) **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.
- (101) **Restaurant.** Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of



operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and may include serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.

- (a) **Carry-Out Restaurant.** An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state for consumption primarily off the premises.
  - (b) **Cocktail Lounge or Night Club.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.
  - (c) **Drive-In Restaurant.** A restaurant whose method of operation involves delivery of prepared food so as to allow consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
  - (d) **Drive-Through Restaurant.** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
  - (e) **Tavern (Pub).** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other mechanical amusement devices.
- (102) **Retail Stores and Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.
- (a) Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
  - (b) Included in this definition are convenience stores, department stores, variety stores, "big-box" stores, supermarkets, wholesale club stores, shopping centers and shopping malls.
  - (c) Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
  - (d) This definition does not include temporary uses, outdoor display or sales areas or adults only businesses.

- (103) **Right-of-Way.** Land set aside by public ownership or easement for a street, alley or other thoroughfare and permanently dedicated for passage of persons or vehicles.
- (104) **Roadside Stand.** An accessory structure or use operated for the purpose of seasonally selling agricultural products a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.
- (105) **Sanitary Landfill.** An operation licensed by the Michigan Department of Natural Resources for the disposal of solid waste in a manner consistent with the criteria established by Act 641 of the Public Acts of 1978, as amended, the Solid Waste Management Act, and its implementing rules. Sanitary landfills are classified as follows by Act 641:
- (a) **Type II Landfill.** An on-land disposal facility designed and operated to accommodate general types of solid waste, including, but not limited to, garbage and rubbish, but excluding hazardous waste which is managed under provisions of Act 64 of the Public Acts of 1979, the Hazardous Waste Management Act.
  - (b) **Type III Landfill.** An on-land disposal facility designed and operated to accommodate large volumes of certain solid waste that has minimal potential for groundwater contamination.
- (106) **Senior Housing.** An institution other than a hospital or hotel, which provides room and board to non-transient senior citizens. Housing for the elderly may include:
- (a) **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance, but does not require continuous skilled nursing care.
  - (b) **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
  - (c) **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
  - (d) **Senior Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to senior citizens or couples where either one of the spouses is a senior citizen.
  - (e) **Senior Apartments.** Multiple-family dwelling units intended to be occupied by senior citizens.
- (107) **Setback.** The distance between a front, side or rear lot line and the nearest supporting member of a structure.
- (a) **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
  - (b) **Required Setback.** The minimum horizontal distance between a front, rear or side lot line and the nearest supporting member of a structure required to comply with required yard provisions of this Ordinance.

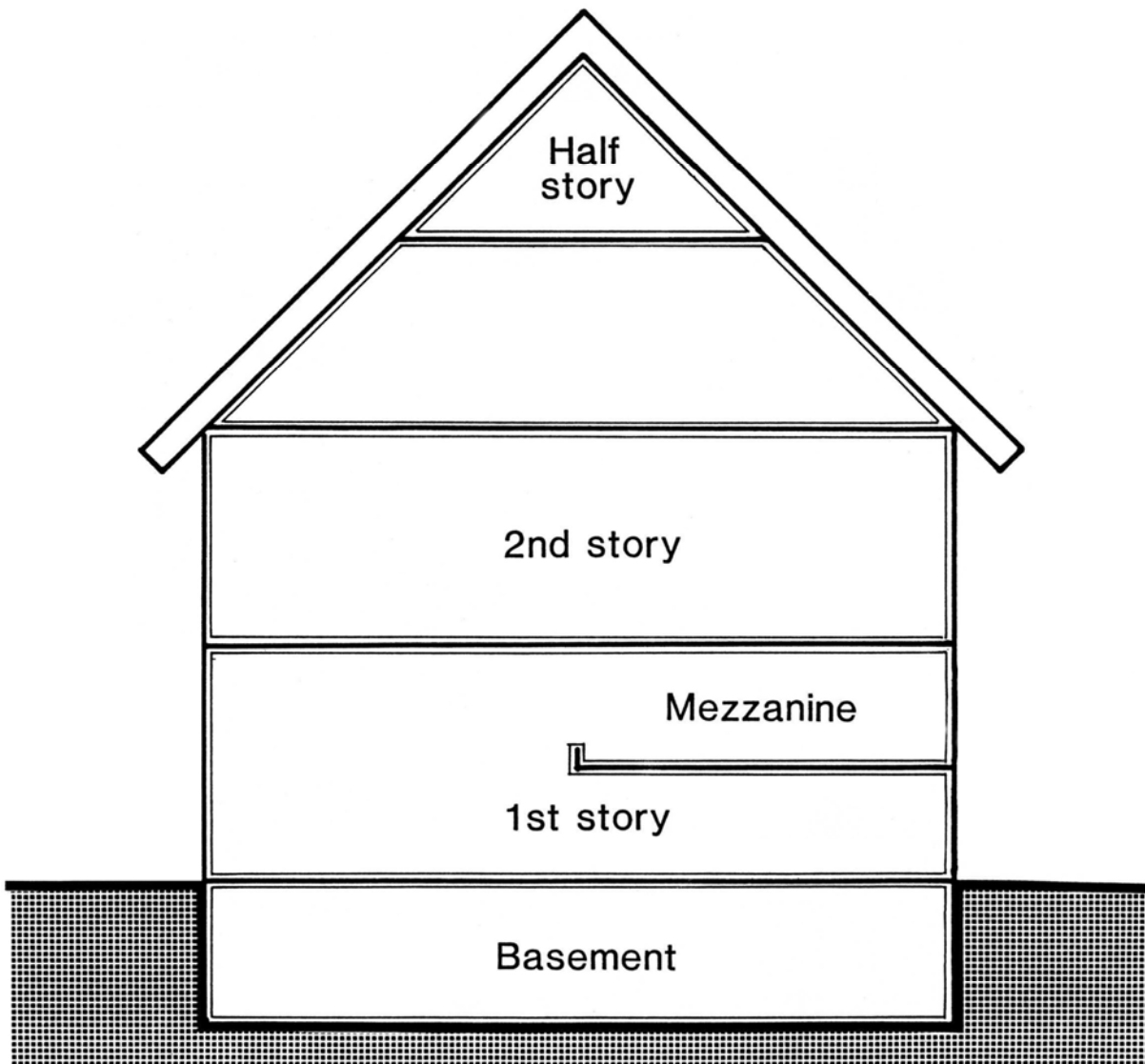
- (108) **S.E.V.** For purposes of this Ordinance, S.E.V. is the state equalized valuation of a building or structure, as determined by the Township Assessor. This Ordinance uses S.E.V. to measure the extent of any damage to a nonconforming building or structure. Thus, S.E.V. does not include the value of underlying land, and is presumed to be 50 percent of the building's true cash value.
- (109) **Shopping Center.** A group of commercial establishments owned and managed as a unit, with common parking facilities.
- (110) **Sign.** Any device, structure, fixture, placard, name identification, display or illustration which uses graphics, symbols or written copy to convey a message, and which is visible from a public street or highway. The term "sign" shall not include any display of court or public office notices, nor shall it include the flag of any political unit or school. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- (a) **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days, or a sign structure that has ceased to be used, and the owner intends to no longer have used for the display of sign copy, or as otherwise defined by state law.
- (b) **Accessory Sign.** A sign that pertains to the principal use of the premises.
- (c) **Animated Sign.** Any sign copy that which flashes, uses moving, revolves, cycles, or is otherwise altered or patterns of light or changed by mechanical or electrical means at intervals of less than one hour in lighting to depict action or motion or to create a special effect or scene.
- (d) **Billboard or Non-Accessory Signs.** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."
- (e) **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window, or related architectural feature.
- (i) **Awning or Canopy Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
- (ii) **Nameplate.** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
- (iii) **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
- (iv) **Wall Sign.** A sign painted on or attached parallel to the exterior surface of a building wall, door, window, or related architectural feature and extending not more than 18 inches from the wall with no copy on the sides or edges.
- (v) **Window Sign.** A sign affixed to or installed inside a window and intended to be viewed from the exterior of the building.

- (f) **Changeable Copy Sign.** A sign or portion thereof with characters, letters, or illustrations, not including animated copy, which can be changed or rearranged without replacing the sign copy area.
- (g) **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- (h) **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.
- (i) **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- (j) **Electronic Message Board.** An electrically activated changeable copy sign that utilized computer generated messages or other electronic means of changing copy. These signs include, but are not limited to, displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.
- (k) **Freestanding Sign.** Any sign that is not completely supported by the walls or roof, or is otherwise attached to a building. See also "Monument Sign", "Pole Sign".
- (l) **Marquee Sign.** A sign attached to or made a part of any marquee projecting from and supported by a building.
- (m) **Monument Sign.** A freestanding sign mounted directly to a base that is in contact with or close to the ground. The base of a monument sign shall be no less than 75% of the greatest horizontal dimensions of the sign face, and the vertical separation between the lowest point of the sign face and the highest point of the sign base shall be not greater than twelve (12) inches.
- (n) **Monument Sign Base.** The lower part of a monument sign, which may appear as a separate architectural feature, and serves as its ground support.
- (o) **Nonconforming Sign.** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.
- (p) **Pole Sign.** A freestanding sign supported by pillars, poles, or columns.
- (q) **Portable Sign.** A sign that is free standing and not permanently affixed to either the ground, a building or a structure and is capable of being easily moved from one location to another, such as, but not limited to so-called "A" frame, "T" shaped or inverted "T" shaped stands, or any sign attached to a trailer or other vehicle or its use, but used with the express intent of advertising.
- (r) **Roof Sign.** Any sign located on or over any part of the roof of a building, where no portion of said sign projects above the highest point of the roof.
- (s) **Rooftop Sign.** Any sign located on or over the roof of a building where any portion of said sign projects above the highest point of the roof.
- (t) **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other

- materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
- (u) **Signable Area.** The area in which a sign is to be located and which is used to determine the permitted size of that sign, pursuant to Section 25.2.1(d). The signable area shall be a continuous surface or wall unobstructed by windows, doors, other major architectural details, or change in material or color.
  - (v) **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
  - (w) **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration, or signs pertaining to sale, rent or lease of property.
    - (i) **Balloon.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
    - (ii) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
    - (iii) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
  - (x) **Unlawful Sign.** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
  - (y) **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.
- (111) **Site Plan.** A scaled drawing illustrating existing conditions, detailing the proposed use and development of a zoning lot, and including all required elements applicable to the proposed development to ensure compliance with this Ordinance.
  - (112) **Stable, Commercial.** A structure accessible by the general public in which horses or other domestic animals or livestock used for pleasure riding or driving are housed or kept for hire and may include a riding track, public arena or trail riding.
  - (113) **Stable, Private.** A structure accessory to a principal use not accessible by the general public, and used for the exclusive stabling, breeding, care, training or riding of horses or other domestic animals or livestock owned by the occupants or boarded by private arrangement. A private stable may include a private arena used exclusively for the exercising, riding or schooling of animals housed or boarded on-site.
  - (114) **State-Licensed Residential Facility.** A structure or facility constructed for residential purposes to provide resident service and 24 hour supervision or care for six or fewer persons in need of supervision or care, that is licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act, P.A. 218 of 1979, as amended or Child Care Organization Act, P.A. 116 of 1973, as amended.



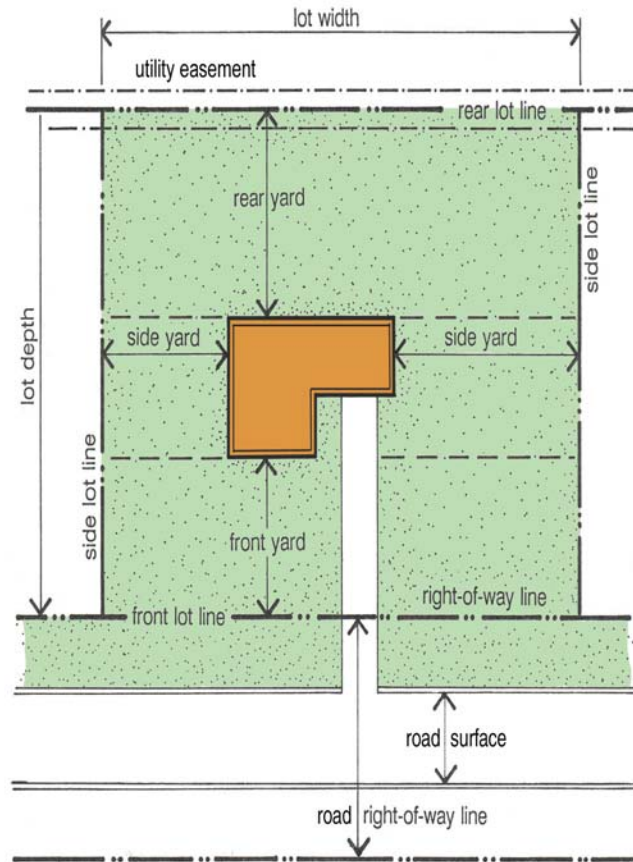
## Basic Structural Terms

- (115) **Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it. (See illustration, Basic Structural Terms).
- (116) **Story, Half.** A space under a sloping roof, the walls of which intersect the roof decking not more than three feet above the top floor level, having not more than two-thirds of its floor area finished for the principal use of the building. A half story containing independent apartments or living quarters is counted as a full story. (See illustration, Basic Structural Terms.).
- (117) **Subdivision.** A subdivision as defined in the Land Division Act, P.A. 288 of 1967, as amended.
- (118) **Truck Terminal.** The use of land or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.
- (119) **Use.** The purpose for which land, premises or a building thereon is designed arranged or intended, or for which it is occupied, maintained, let or leased.

- (a) **Accessory Use.** An activity clearly incidental to, customarily found in connection with, and located on the same parcel as the principal use to which it is related.
  - (b) **Permitted Use.** A use permitted in a zoning district by right, subject to site plan review approval.
  - (c) **Principal Use.** The main or primary use of the land or structures, or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
  - (d) **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to Christmas tree sales or the sale of Easter flowers.
  - (e) **Special Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to ensure that the use is compatible with other permitted uses in the district.
- (120) **Wall.**
- (a) **Decorative.** A screening structure of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
  - (b) **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material to serve as a screen in carrying out the requirements of this Ordinance.
- (121) **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands.
- (122) **Variance.** A modification of the literal provisions of this Ordinance, granted by the Zoning Board of Appeals when strict enforcement of the requirement would cause practical difficulty due to circumstances unique to the individual property on which the variance is granted.
- (123) **Visual Screen.** A solid wall or fence which obscures not less than 90 percent of the area between the ground and the height required by any provision of this Ordinance, or an earth berm and/or evergreen planting which obscures not less than 50 percent of the required area when the evergreens are first transplanted. Where a combination of screen types is used, not less than 75 percent of the required area must be obscured. A visual screen must be continuously maintained, including replacement of dead or diseased plants.
- (124) **Wholesale Business.** An enterprise that buys and/or repackages products for sale to retail businesses and stores its inventory in an enclosed building.
- (125) **Wireless Communications Facility.** All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

- (a) **Abandoned Tower or Antenna.** An antenna that is not operated for a continuous period of six months or a tower constructed or maintained without an operational antenna for a continuous period of six months shall be considered abandoned.
  - (b) **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
  - (c) **Antenna.** Any exterior transmitting or receiving device mounted on a tower, structure and used in communications that radiates or captures electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
  - (d) **Co-Location.** The location of two (2) or more antenna on a common structure, tower or building.
  - (e) **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
  - (f) **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
  - (g) **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other
- (126) **Yard.** An open space on the same zoning lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance (See illustration, Yard Terms).
- (a) **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building.
  - (b) **Rear Yard.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
  - (c) **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
  - (d) **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.





## Yard Terms

- (127) **Zoning Administrator / Zoning Enforcement Officer.** The person or persons designated by the Township to administer this Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, providing staff support to the Planning Commission or Zoning Board of Appeals, sending notices of public hearings, and similar work.
- (128) **Zoning Board of Appeals (ZBA).** The Zoning Board of Appeals appointed by the Township Board for Buena Vista Charter Township, Saginaw County, Michigan.

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Chapter 3

**ZONING DISTRICTS AND MAP**

**Section 301. Division of the Township.**

For the purposes of this ordinance, all land within Buena Vista Charter Township, is divided into the following zoning districts. Generally for uses by right, the following list of zoning districts is classified in the order of most restrictive to least restrictive as one proceeds from top to bottom.

- A-1 Agricultural (Farmland Preservation)
- A-2 Agricultural (Dispersed Residential)
- R-1 Residential (Single-Family)
- R-2 Residential (One- and Two-Family)
- R-3 Residential (Multifamily)
- MH Mobile Home Park
- TC Town Center
- B-1 Commercial (Local Business)
- B-2 Commercial (Intensive)
- B-3 Commercial (Wholesale and Business Services)
- M-1 Industrial (Limited Manufacturing)
- M-2 Industrial (Intensive Manufacturing)
- AP Airport District

**Section 302. Official Zoning Map.**

The boundaries of zoning districts are defined and established as shown on the map entitled "Buena Vista Charter Township Zoning Map" which accompanies this ordinance. This zoning map, including all notations, references and information shown on it is hereby made a part of this Ordinance. The official zoning map shall be kept and maintained by the Saginaw County Metropolitan Planning Commission. A copy of this map shall be made available for public inspection at the office of the Township Zoning Administrator.

**Section 303. Interpretation of District Boundaries.**

Where uncertainty exists with respect to the boundaries of any of the zoning districts indicated on the official zoning map, the following rules shall apply:

- (A) **Roads.** Boundaries indicated as approximately following streets, alleys or highways shall be presumed to follow the centerline of those roadways.
- (B) **Property Lines.** Boundaries indicated as approximately following property lines shall be presumed to follow those lines.
- (C) **Township Boundaries.** Boundaries indicated as approximately following boundary lines shall be presumed to follow those lines.
- (D) **Parallel to Roads.** Boundaries indicated as approximately parallel to the center lines of streets, alleys or highways shall be interpreted as being parallel thereto and at the distance from the road right-of-way as indicated by the distance stated or scaled on the zoning map.
- (E) **Bodies of Water.** Boundaries appearing to follow the centerline of a stream or the ordinary high water make of a lake shall be interpreted to follow that centerline or ordinary high water mark.

- (F) **Zoning Board of Appeals Interpretation.** If the Zoning Administrator finds these standards inadequate to interpret the location of a zoning district boundary, or if a property owner wishes to dispute the Zoning Administrator's interpretation, the Zoning Board of Appeals shall interpret the Zoning Map under the provisions of Section 1201(C)(8) Interpretations of Zoning Ordinance Provisions.

**Section 304. Divided Parcels.**

When a zoning district boundary line divides a zoning lot, the use permitted in the more restrictive zoning district (see Section 301) may be extended to the entire parcel, so long as the applicable yard requirements are met. Uses permitted in the less restrictive zoning district may be extended to the entire lot, subject to the following conditions:

- (A) **Largest Part of Parcel.** At least one-half of the area of the lot must be in the less restrictive zoning district.
- (B) **Enclosed Building.** Any part of the less restricted activity extending into the more restrictive zoning district shall be confined entirely within an enclosed building which conforms to the applicable yard and lot coverage requirements of the more restrictive zoning district in that portion of the lot.

**Section 305. Zoning of Vacated Areas.**

Whenever any street, alley, or other public way within the Township is vacated, that street, alley, or other public way shall be automatically be classified in the same Zoning District as the property to which it is attached, and shall be subject to the standards for that Zoning District.

**Section 306. Scope of Regulations.**

- (A) **Applicability.** No building or structure or part thereof shall be hereafter erected, moved, constructed, or altered, and no new use, expansion of a use, or change in use of a lot shall be made unless it conforms with all applicable provisions of this ordinance, including the regulations for the zoning district in which it is located.
- (B) **Items Regulated.** The regulations applying to zoning districts include but are not limited to, the use of land and structures, minimum lot area and dimensions, setback of structures from streets and neighboring lots, height of structures, and area of a lot that can be covered by structures.

**Section 307. Uses Not Otherwise Cited.**

A land use that is not listed as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that the use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Planning Commission shall consider the following:

- (A) **Determination of Compatibility.** In making the determination of compatibility, the Planning Commission shall consider the specific characteristics of the use in question and compare those characteristics with those of the uses that are expressly permitted in the district. These use characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.
- (B) **Conditions by Which Use may be Permitted.** If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Commission shall then decide whether the proposed use shall be permitted by right, as a special use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

- (C) **Use listed elsewhere.** No use shall be permitted in a district under the terms of this section if that use is specifically listed as use permitted by right or as a special use in any other district.

**Section 308. Zoning Districts.**

Regulations for the zoning districts are contained in Sections 308 (1) to 308 (13). These sections do not include requirements that are specified by other portions of this ordinance including but not limited to, parking, landscaping, lighting, signs, and procedures. Therefore, all ordinance provisions should be reviewed before making any decision regarding use of land or a structure in Buena Vista Charter Township.

**Section 308 (1). A-1 Agricultural: Farmland Preservation District.**

- (A) **Intent and Purpose.** To preserve and promote the use of land for food and fiber production. To reinforce the continued agricultural use or property as encouraged by the Farmland and Open Space Preservation Act.

(B) **Permitted Uses.**

- (1) Single family dwelling.
- (2) State licensed residential facility (six or fewer residents).
- (3) Family day care home.
- (4) Farming for production of food, feed or fiber.
- (5) Livestock or poultry raising.
- (6) Outdoor plant nursery without retail sales. See Section 402 (N).
- (7) Forestry.
- (8) Horticulture.
- (9) Private riding arena/boarding stable. See Section 402 (BB).
- (10) Roadside stand.
- (11) Home occupation. See Section 402 (P).
- (12) Accessory buildings and uses customarily incidental to the above permitted uses
- (13) Essential services.
- (14) Publicly owned parks, playground, playfields, and similar public open spaces, but not including campgrounds.

(C) **Permitted Uses after Special Use Approval.**

- (1) Fishing area.
- (2) Gun club. See Section 402 (CC).
- (3) Hunting area.
- (4) Nature preserve.
- (5) Public/commercial riding stable. See Section 402 (DD).
- (6) Greenhouse without retail sales on premises. See Section 402 (N).
- (7) Private airstrip without fuel storage. See Section 402 (B).
- (8) Institutional uses, not including large scale. See Section 402 (T).
- (9) Small wind energy systems. See Section 402 (JJ).
- (10) Utility wind energy systems. See Section 402 (KK).
- (11) Radio, television, or wireless communication towers. See Section 402 (KK).
- (12) Soil resource extraction. See Section 402(K).
- (13) State licensed residential facility (group). See Section 402 (H).
- (14) Raising of fur bearing animals or game birds.
- (15) Bed and breakfast establishments. See Section 402 (E).
- (16) Cemeteries. See Section 402 (G).
- (17) Boat launches, public or private.

(D) **Developmental Standards.** Buildings and uses in the A-1 Agricultural: Farmland Preservation district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the A-1 Agricultural: Farmland Preservation district are subject to requirements of Section 309, Table of Dimensions.
- (3) **General Development Standards.** Buildings and uses in the A-1 Agricultural: Farmland Preservation district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

**Section 308 (2). A-2 Agricultural: Dispersed Residential District.**

(A) **Intent and Purpose.** To promote appropriate non-farm uses of land while preserving the rural nature of the area. To permit a gradual transition from agricultural preservation areas to more intensive uses without giving way to urban sprawl.

(B) **Permitted Uses.**

- (1) Single-family dwelling.
- (2) State licensed residential facility (six or fewer residents).
- (3) Family day care home.
- (4) Home occupation. See Section 402 (P).
- (5) Farming for production of food, feed or fiber
- (6) Public/private/riding stables. See Section 402 (BB) and 402 (DD).
- (7) Orchards.
- (8) Fishing area.
- (9) Roadside stand. See Section 402 (FF).
- (10) Nature preserve.
- (11) Outdoor plant nursery without retail sales.
- (11) Bed and breakfast. See Section 402 (E).
- (12) Accessory building or use customarily incidental to the above permitted use.
- (13) Essential services.
- (14) Publicly owned parks, playgrounds, playfields, and similar open spaces, but not including campgrounds.
- (15) Horticulture

(C) **Permitted Uses after Special Use Approval.**

- (1) Kennel. See Section 402 (V).
- (2) Campground. See Section 402 (EE).
- (3) Composting center. See Section 402 (I).
- (4) Recreational vehicle park. See Section 402 (EE).
- (5) Greenhouses without retail sales. See Section 402 (N).
- (6) Outdoor public/private recreational facilities. See Section 402 (CC).
- (7) Airport and associated facilities. See Section 402 (B).
- (8) Veterinary hospital or clinic. See Section 402 (LL).
- (9) Assembly/meeting hall.
- (10) Municipal building / public buildings without outdoor storage.
- (11) Soil resource extraction. See Section 402 (L).

- (12) Institutional uses, not including large scale. See Section 402 (T).
- (13) Wireless communication tower. See Section 402 (NN).
- (14) Cemeteries (excluding crematories). See Section 402 (G).
- (15) Small wind energy systems. See Section 402 (JJ).
- (16) Utility wind energy systems. See Section 402 (KK).

(D) **Developmental Standards.**

Buildings and uses in the A-2 Agricultural: Dispersed Residential district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the A-2: Agricultural: Dispersed Residential district are subject to requirements of Section 309, Table of Dimensions.
- (3) **Single Family Development Options.** Subject to approval, single-family residential developments in the AG zoning district may be developed in accordance with:

- Section 1003 Condominium Regulations
- Section 1001 Planned Unit Developments
- Section 1002 Residential Open Space Preservation Option.

- (4) **General Development Standards.** Buildings and uses in the A-2 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- Chapter 4 Use Standards
- Chapter 5 Supplementary Regulations
- Chapter 6 Parking and Loading
- Chapter 7 Landscaping, Screening, and Exterior Lighting
- Chapter 8 Signs

**Section 308 (3). R-1 Residential: Single-Family District.**

- (A) **Intent and Purpose.** To encourage and preserve attractive neighborhood environments consisting of single-family dwellings on individual lots and compatible uses. To create residential areas that will maintain quality of life opportunities for future inhabitants.

(B) **Permitted Uses.**

- (1) Single-family dwelling.
- (2) State licensed residential facility (six or fewer residents).
- (3) Family day care home.
- (4) Home occupations. See Section 402 (P).
- (5) Publicly-owned parks, playgrounds, playfields and similar other public open spaces, but not including campgrounds. See Section 402 (CC).
- (6) Essential services.
- (7) Farming for field crops on lots or parcels of three acres or more
- (8) Accessory buildings and uses customarily incidental to the above permitted uses.

(C) **Permitted Uses after Special Use Approval.**

- (1) Institutional uses, not including large scale. See Section 402 (T).
- (2) Municipal building / public building without outdoor storage.
- (3) Cemeteries excluding crematories. See Section 402 (G).
- (4) Private club/ lodges.
- (5) Public/private outdoor recreational facilities. See Section 402 (CC).

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- (6) State licensed residential facility (group). See Section 402 (H).
  - (7) Wireless communication tower. See Section 402 (NN).
- (D) **Developmental Standards.** Buildings and uses in the R-1 Residential: Single-family district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:
- (1) **Site Plan Review.** Site plan review and approval where applicable.
  - (2) **Lot Regulations.** Buildings and uses in the R-1 Residential: Single-family district are subject to requirements of Section 309, Table of Dimensions.
  - (3) **Single Family Development Options.** Subject to approval, single-family residential developments in the R-1 zoning district may be developed in accordance with:
    - Section 1003 Condominium Regulations
    - Section 1001 Planned Unit Developments
    - Section 1002 Residential Open Space Preservation Option.
  - (4) **General Development Standards.** Buildings and uses in the R-1 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
    - Chapter 4 Use Standards
    - Chapter 5 Supplementary Regulations
    - Chapter 6 Parking and Loading
    - Chapter 7 Landscaping, Screening, and Exterior Lighting
    - Chapter 8 Signs

**Section 308 (4). R-2 Residential: One and Two-Family District.**

- (A) **Intent and Purpose.** To promote variety in housing style, design and cost to meet the needs of township residents. To promote development and preservation of neighborhoods of somewhat higher density than R-1 districts, but with equivalent quality.
- (B) **Permitted Uses.**
  - (1) R-1 permitted uses.
  - (2) Two-family dwelling.
  - (3) Farming for field crops on lots or parcels of three acres or more.
  - (4) Accessory buildings and uses customarily incidental to the above permitted uses.
  - (5) Publicly-owned parks, playgrounds, playfields and similar other public open spaces, but not including campgrounds.
- (C) **Permitted Uses after Special Use Approval.**
  - (1) Group day care home. See Section 402 (H).
  - (2) Independent senior housing. See Section 402 (Y).
  - (3) Cemeteries excluding crematories. See Section 402 (G).
  - (4) Institutional uses, not including large scale. See Section 402 (T).
  - (5) Nursing/assisted living facilities. See Section 402 (Y)
  - (6) Private club, lodge.
  - (7) Public/private outdoor recreation facilities. See Section 402 (CC).
  - (8) Municipal building / public buildings without outdoor storage.
- (D) **Developmental Standards.** Buildings and uses in the R-2 Residential: One and two family district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the R-2 Residential: One and two family district are subject to requirements of Section 309, Table of Dimensions.
- (3) **Single Family Development Options.** Subject to approval, residential developments in the R-2 zoning district may be developed in accordance with:
  - Section 1003 Condominium Regulations
  - Section 1001 Planned Unit Developments
  - Section 1002 Residential Open Space Preservation Option.
- (4) **General Development Standards.** Buildings and uses in the R-2 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
  - Chapter 4 Use Standards
  - Chapter 5 Supplementary Regulations
  - Chapter 6 Parking and Loading
  - Chapter 7 Landscaping, Screening, and Exterior Lighting
  - Chapter 8 Signs

**Section 308 (5). R-3 Residential: Multi-Family District.**

- (A) **Intent and Purpose.** To promote development of moderate-density residential areas, together with other compatible uses, where services and facilities are sufficient to accommodate higher population concentrations.
- (B) **Permitted Uses.**
  - (1) Multiple-family dwellings. See Section 402 (Y).
  - (2) Senior housing. See Section 402 (Y).
  - (3) Home occupation. See Section 402 (P).
  - (4) State licensed residential facility (six or fewer residents).
  - (5) Family day care home.
  - (6) Group day care home (7-12 children). See Section 402 (H).
  - (7) Outdoor public recreational uses. See Section 402 (CC).
  - (8) Outdoor court or field sports (unlighted).
  - (9) Essential services.
  - (10) Uses and structures accessory to the above, including, but necessarily limited to the following:
    - a) Pools for the exclusive use of residents and their guests
    - b) In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development
    - c) Private garages, carports, or community garages
    - d) Private parks owned and maintained by a homeowner association or the proprietor of a housing project
    - e) Signs
  - (11) Publicly-owned parks, playgrounds, playfields and similar other public open spaces, but not including campgrounds.
- (C) **Permitted Uses after Special Use Approval.**
  - (1) Single-family dwelling.
  - (2) Institutional uses, not including large scale. See Section 402 (T).
  - (3) Medical / dental office.
  - (4) Cemeteries excluding crematories. See Section 402 (G).
  - (5) Personal service, office, or non-food retail.



- (6) Public/private club.
  - (7) Private outdoor recreational facilities. See Section 402 (CC).
  - (8) Municipal building / public buildings without outdoor storage.
  - (9) State licensed residential facility for seven or more residents. See Section 402 (H).
  - (10) Hospital. See Section 402 (Q).
- (D) **Developmental Standards.** Buildings and uses in the R-3 Residential: Multifamily district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:
- (1) **Site Plan Review.** Site plan review and approval where applicable.
  - (2) **Lot Regulations.** Buildings and uses in the R-3 Residential: Multi-family district are subject to requirements of Section 309, Table of Dimensions.
  - (18) **Multifamily Development Options.** Subject to approval, multi-family residential developments in the R-3 zoning district may be developed in accordance with:
    - Section 1003 Condominium Regulations
    - Section 1001 Planned Unit Developments
    - Section 1002 Residential Open Space Preservation Option.
  - (4) **General Development Standards.** Buildings and uses in the R-3 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
    - Chapter 4 Use Standards
    - Chapter 5 Supplementary Regulations
    - Chapter 6 Parking and Loading
    - Chapter 7 Landscaping, Screening, and Exterior Lighting
    - Chapter 8 Signs

**Section 308 (6). MH Residential: Mobile Home Park District.**

- (A) **Intent and Purpose.** To provide for the location and regulation of mobile home parks as defined by the Mobile Home Commission Act, P.A. 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules, in areas where they will be compatible with adjacent land uses. Where regulations in this Ordinance exceed the regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that mobile home parks are developed and maintained in a manner equivalent to the standards of this Ordinance for comparable residential developments in the Township. Further, the district is intended to meet the needs of the different age and family groups in the Township, minimize hazards to life and property, and ensure sufficient provision for light, air, privacy, recreation and basic amenities to serve the residents of the district.
- (B) **Permitted Uses.**
- (1) Mobile home park. See Section 402 (W).
  - (2) Home occupation. See Section 402 (P).
  - (3) State licensed residential facility (six or fewer residents).
  - (4) Family day care home.
  - (5) Outdoor public/private recreational facility uses, unlighted. See Section 402 (CC).
  - (6) Essential services.
  - (7) Uses and structures accessory to the above, including, but necessarily limited to the following:

- (a) Pools for the exclusive use of residents and their guests
  - (b) In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development
  - (c) Private garages, carports, or community garages
  - (d) Private parks owned and maintained by a homeowner association or the proprietor of a housing project
  - (e) Signs
- (C) **Permitted Uses after Special Use Approval.**
- (1) Recreational vehicle park. See Section 402 (EE).
  - (2) State licensed residential facility (group). See Section 402 (H).
  - (3) Outdoor public/private recreational facility uses, lighted. See Section 402 (CC).
  - (4) Child day care centers. See Section 402 (H).
  - (5) Campground. See Section 402 (EE).
- (D) **Developmental Standards.** Buildings and uses in the MH, Mobile Home Park district, other than a mobile home park, shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:
- (1) **Site Plan Review.** Site plan review and approval where applicable.
  - (2) **Lot Regulations.** Buildings and uses in the MH, Mobile Home Park district are subject to requirements of Section 309, Table of Dimensions.
  - (3) **Single Family Development Options.** Subject to approval, single-family residential developments in the MH zoning district may be developed in accordance with:
    - Section 1003 Condominium Regulations
    - Section 1001 Planned Unit Developments
    - Section 1002 Residential Open Space Preservation Option.
  - (4) **General Development Standards.** Buildings and uses in the MH district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
    - Chapter 4 Use Standards
    - Chapter 5 Supplementary Regulations
    - Chapter 6 Parking and Loading
    - Chapter 7 Landscaping, Screening, and Exterior Lighting
    - Chapter 8 Signs
- (E) Development Standards for a Mobile Home Park.
- (1) **Site Plan Review.**
    - (a) Site plan review and approval by Buena Vista Township and other affected agencies will be compliance with Section 125.2311 of P.A. of 1987, as amended and shall constitute preliminary approval as defined in P.A. 96, of 1987, as amended.
    - (b) Final site plan review and approval is needed from the Michigan Department of Commerce in accordance with P.A. 96 of 1967 as amended.
  - (2) **Lot Regulations.** Buildings and uses in the MH, Mobile Home Park district are subject to requirements of Section 309, Table of Dimensions.
  - (3) **Condominium Development.** Mobile home parks may be developed as a Condominium as regulated under Sections 121 and 127 of the Condominium Act, P.A. 59 of 1978, as amended and a mobile home park conversion project is subject to the

regulations of Rules 101-903 of the Department of Energy, Labor, and Economic Growth Condominium rules and the Manufactured Housing Commission Rules R125.1902a and 1905.

- (4) **Site Entry Sign.** A site entry sign is permitted subject to the standards of Section 805(A).
- (5) **Use Standards.** See Section 402(W).

**Section 308 (7). TC: Town Center District.**

- (A) **Intent and Purpose.** The TC Town Center District is designed and intended to promote the development of a pedestrian accessible service district in which a mixture of retail, commercial, office, civic, and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the district and be consistent with Town Center area development plans.

Furthermore, it is recognized that uses that have as their principal function the sale or servicing of motor vehicles, such as car washes or new and used motor vehicle sales or service establishments, have a disruptive effect on the intended walkable character of the district. The TC district is especially designed to encourage development of high quality mixed land uses and shared parking.

- (B) **Permitted Uses.**

- (1) Assembly hall.
- (2) Family day care home.
- (3) Financial institutions.
- (4) Home occupation. See Section 402(P).
- (5) Indoor commercial recreational facility. See Section 402 (CC).
- (6) Municipal building/buildings without outdoor storage.
- (7) Multiple-family dwellings, such as apartments or townhouses, provided the following conditions are met:
  - a. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is business / office and residential use in a building there shall be provided a separate, private pedestrian entranceway for residential use.
  - b. Off-street parking shall either be provided within the building, within a parking structure physically attached to the building, or in a designated off-street parking area within three hundred (300) feet of the building.
- (8) Museum or library.
- (9) Office.
- (10) Park.
- (11) Personal service establishment.
- (12) Restaurant.
- (13) Retail.
- (14) Senior housing. See Section 402 (Y).

- (C) **Permitted Uses after Special Use Approval.**

- (1) Bar.
- (2) Bus station, taxi stand, or other public transit facility.
- (3) Commercial school.
- (4) Gas station. See Section 402 (D).

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- (5) Group day care home. See Section 402 (H)
  - (6) Nursing/convalescent home. See Section 402 (Y)
  - (7) Restaurant, drive-through. See Section 402 (J).
  - (8) Hotel or motel. See Section 402 (R).
  - (9) Institutional uses, including large scale. See Section 402 (T).
  - (10) Veterinary hospital or clinic. See Section 402 (LL).
  - (11) Medical clinic / hospital. See Section 402 (Q).
- (D) **Developmental Standards.** Buildings and uses in the TC: Town Center District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:
- (1) **Site Plan Review.** For all uses permitted in the TC district, site plans shall be submitted for approval by the Planning Commission in accordance with the provisions of this Ordinance and other applicable Ordinances.
  - (2) **Lot Regulations.** Buildings and uses in the TC: Town Center District are subject to the requirements of Section 309, Table of Dimensions.
    - (a) The setback requirements found in Section 309, Table of Dimensions, may be reduced where strict adherence would serve no good purpose or where the overall intent of the TC district would be better served by allowing a lesser setback, provided the Planning Commission finds that all of the following conditions are met.
      - (i) That a reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the Township as related to the use of the premises or adjacent premise;
      - (ii) That waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and
      - (iii) The adherence to a minimum required setback would result in the establishment of nonusable land area that could create maintenance problems.
  - (3) **Use Characteristics.** Unless otherwise noted, buildings and uses in the TC district shall comply with the following requirements.
    - (a) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
    - (b) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
    - (c) There shall be no outside storage of any goods, inventory, or equipment. Temporary outdoor display accessory to a principal permitted use may be permitted subject to Section 504.
    - (d) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
    - (e) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.

(4) **Architecture and Urban Design.**

- (a) **Facades.** All exterior walls of any main or accessory building shall be composed of the same architectural building façade materials. Exterior building facades shall be primarily of brick or stone, which may be materials complementary to brick or stone. When renovations, alterations, or additions are made to an existing building within the TC district, the exterior building facades of the entire building shall be brought into compliance with this subsection.

When façade materials other than brick or stone are proposed for a building within the TC district, the Planning Commission may permit such alternative façade materials provided it finds that all of the following conditions are met:

- (1) The selected façade materials and material combinations will be consistent with and enhance the building design concept.
  - (2) The use of the selected façade materials and material combinations will not detract from the future development in the TC district of buildings with facades of brick and stone, augmented by materials complementary to brick and stone.
  - (3) The request is accompanied by a written design statement describing how the selected façade materials will satisfy the above requirements.
- (b) **Urban Design Amenities.** Urban design amenities shall include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian scale lighting, paved activity nodes, street/sidewalk furniture, safety paths, trash receptacles, small scale landscape treatments, planters, screening walls, and major architectural features at entranceways and focal points of the development (e.g. arch, gateway, bell tower, fountain).
  - (c) **Sidewalks.** Sidewalks are required at all developments that abut any street or internal service road. Sidewalks within the TC district adjacent to non-residential collector and local streets shall be 5.0 feet in width. Direct pedestrian access shall be provided between all buildings and uses within a development and between a development and adjacent areas. Such access may be provided by the utilization of interior walkways in conjunction with exterior sidewalks.

- (5) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.

- (6) **General Development Standards.** Buildings and uses in the TC district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

**Section 308 (8). B-1 Commercial: Local Business District.**

- (A) **Intent and Purpose.** To accommodate commercial activities that meet the day-to-day convenience shopping and services needs of township residents. To promote development of offices in a manner that will complement surrounding neighborhoods. To provide a transition zone between residential neighborhoods and intensive commercial areas.

(B) **Permitted Uses.**

- (1) Professional offices, including medical and dental offices.
- (2) Personal services establishments (including tailor, shoe repair, hair salon, barber shop)
- (3) Funeral home without crematory. See Section 402 (M).
- (4) Financial institutions.
- (5) Retail use.
- (6) Child day care center. See Section 402 (H).
- (7) Restaurant building less than 3,000 square feet.
- (8) Dry cleaning without processing on premises.
- (9) Park.

(C) **Permitted Uses after Special Use Approval.**

- (1) Hotel or motel. See Section 402 (R).
- (2) Gas station. See Section 402 (D).
- (3) Municipal public buildings without outdoor storage.
- (4) Greenhouse, nursery, and garden center. See Section 402 (N).
- (5) Veterinary hospital or clinic. See Section 402 (LL).
- (6) Institutional uses, not including large scale. See Section 402 (T).
- (7) Farming for field crops on lots or parcels of five acres or more.

(D) **Developmental Standards.** Buildings and uses in the B-1, Commercial: Local Business district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) No building shall exceed 10,000 sq. ft. in area.
- (2) **Site Plan Review.** Site plan review and approval where applicable.
- (3) **Lot Regulations.** Buildings and uses in the B-1, Commercial: Local Business district are subject to the requirements of Section 309, Table of Dimensions.
- (4) **Use Characteristics.** Unless otherwise noted, buildings and uses in the B-1 district shall comply with the following requirements.
  - (a) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
  - (b) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
  - (c) There shall be not outside storage of any goods, inventory, or equipment. Temporary outdoor display accessory to a principal permitted use may be permitted subject to Sec. 506.
  - (d) Commercially used or commercially licensed vehicles used in a normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
  - (e) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.

- (3) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.
- (4) **General Development Standards.** Buildings and uses in the B-1 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
  - Chapter 4 Use Standards
  - Chapter 5 Supplementary Regulations
  - Chapter 6 Parking and Loading
  - Chapter 7 Landscaping, Screening, and Exterior Lighting
  - Chapter 8 Signs

**Section 308 (9). B-2 Commercial: Intensive District.**

- (A) **Intent and Purpose.** To preserve and enhance business areas serving a regional market and/or serving the needs of the automobile traveler on major arterial streets.
- (B) **Permitted Uses.**
  - (1) Any B-1 permitted uses (with/or without drive through).
  - (2) Museum or library.
  - (3) Assembly/meeting hall.
  - (4) Car wash. See Section 402 (F).
  - (5) Private club/lodge.
  - (6) Commercial or trade school.
  - (7) Retail, without floor area restrictions.
  - (8) Repair garages, minor or maintenance repairs only. See Section 402 (X).
  - (9) Tattoo parlor.
- (C) **Permitted Uses after Special Use Approval.**
  - (1) Institutional uses including large scale. See Section 402 (T).
  - (2) Outdoor public/private recreational uses See Section 402 (CC).
  - (3) Medical clinic / hospital. See Section 402 (Q).
  - (4) Printing and publishing.
  - (5) Self-storage warehouse. See Section 402 (GG).
  - (6) Municipal/public buildings with or without outdoor storage. See Section 402 (AA).
  - (7) Vehicle or equipment sales. See Section 402 (C).
  - (8) Outdoor sales or display. See Section 402 (Z).
  - (9) Gas station. See Section 402 (D).
- (D) **Developmental Standards.** Buildings and uses in the B-2 Commercial: Intensive district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:
  - (1) **Site Plan Review.** Site plan review and approval where applicable.
  - (2) **Lot Regulations.** Buildings and uses in the B-2 Commercial: Intensive district are subject to the requirements of Section 309, Table of Dimensions.
  - (3) **Use Characteristics.** Unless otherwise noted, buildings and uses in the B-2 district shall comply with the following requirements.
    - (a) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

- (b) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
  - (c) There shall be not outside storage of any goods, inventory, or equipment. Temporary outdoor display accessory to a principal permitted use may be permitted subject to Sec. 506.
  - (d) Commercially used or commercially licensed vehicles used in a normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
  - (e) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.
- (4) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.
- (5) **General Development Standards.** Buildings and uses in the B-2, district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
- |           |   |
|-----------|---|
| Chapter 4 | Use Standards                                 |
| Chapter 5 | Supplementary Regulations                     |
| Chapter 6 | Parking and Loading                           |
| Chapter 7 | Landscaping, Screening, and Exterior Lighting |
| Chapter 8 | Signs   |

**Section 308 (10). B-3 Commercial: Wholesale and Business Services District.**

- (A) **Intent and Purpose.** To promote development of business areas which primarily serve the needs of other businesses in a regional market.
- (B) **Permitted Uses.**
- (1) Automotive and equipment sales. See Section 402 (C).
  - (2) Mobile home and recreational vehicle sales. See Section 402 (C).
  - (3) Farm equipment sales. See Section 402 (C).
  - (4) Industrial, commercial or construction equipment, sales. See Section 402 (C).
  - (5) Printing and publishing.
  - (6) Wholesale business excluding fuel dealer. See Section 402 (MM).
  - (7) Self-storage warehouse. See Section 402 (GG).
  - (8) Restaurant.
  - (9) Warehouse. See Section 402 (MM).
  - (10) Municipal/public buildings without outdoor storage.
  - (11) Motor vehicle repair garage, minor repairs. See Section 402 (X).
- (C) **Permitted Uses after Special Use Approval.**
- (1) Arena or stadium.
  - (2) Farm equipment, repair. See Section 402 (X).
  - (3) Industrial, commercial or construction equipment, repair. See Section 402 (X).
  - (4) Racetrack.
  - (5) Motor vehicle repair garage, major repairs. See Section 402 (X).



- (6) Farm suppliers. See Section 402 (Z).
  - (7) Bottling plant.
  - (8) Lumber yard. See Section 402 (Z).
  - (9) Tool and die machine shop (less than 5,000 square feet).
  - (10) Bus station, taxi stand or other public transit facility.
  - (11) Municipal/public buildings with outdoor storage. See Section 402 (AA).
  - (12) Wireless communication tower. See Section 402 (NN).
  - (13) Adult-only businesses shall be permitted subject to the standards in Section 402 (A) but shall not be subject to the standards for granting special approval in Sections 1102 (C) (4) (d) and 1102 (G).
  - (14) Small wind energy systems. See Section 402 (JJ).
- (D) **Developmental Standards.** Buildings and uses in the B-3 district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:
- (1) **Site Plan Review.** Site plan review and approval where applicable.
  - (2) **Lot Regulations.** Buildings and uses in the B-3 Commercial: Wholesale and Business Services district are subject to the requirements of Section 309, Table of Dimensions.
  - (3) **Use Characteristics.** Unless otherwise noted, buildings and uses in the B-3 district shall comply with the following requirements.
    - (a) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
    - (b) There shall be not outside storage of any goods, inventory, or equipment. Temporary outdoor display accessory to a principal permitted use may be permitted subject to Sec. 506.
    - (c) Commercially used or commercially licensed vehicles used in a normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
    - (d) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.
  - (4) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.
  - (5) **General Development Standards.** Buildings and uses in the B-3, district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
    - Chapter 4 Use Standards
    - Chapter 5 Supplementary Regulations
    - Chapter 6 Parking and Loading
    - Chapter 7 Landscaping, Screening, and Exterior Lighting
    - Chapter 8 Signs

**Section 308 (11). M-1 Industrial: Limited Manufacturing District.**

(A) **Intent and Purpose.** To encourage attractive industrial development that is in keeping with the township's suburban character. To permit manufacturing processing, assembling, packaging, or treatment of products when these activities take place only inside a building. To permit compatible sales or service uses, and prohibit residential or intensive retail uses in industrial locations.

(B) **Permitted Uses.**

- (1) All permitted uses in the B-3 District.
- (2) Farming for production of food, feed or fiber on lots or parcels of five (5) acres or more.
- (3) Bar.
- (4) Laboratories involved in basic research, experiment, design, testing, or prototype product development.
- (5) Tool and die machine shop.
- (6) Data processing and computer centers.
- (7) Manufacturing, processing, assembly or fabrication of products that do not involve the creation of odors or have other offensive impacts, without outdoor storage.
- (8) Warehouse. See Section 402 (MM).
- (9) Wholesale business, excluding fuel dealers. See Section 402 (MM).
- (10) Industrial, commercial or construction equipment, sales and repair. See Sections 402 (C), (X), and (Z).
- (11) Essential services.
- (12) Nurseries and greenhouses. See Section 402 (N).
- (13) Repair garage - minor repair. See Section 402 (X).
- (14) Restaurant.
- (15) Recreation facilities, public and private. See Section 402 (CC).
- (16) Other research or light manufacturing uses similar to the above.
- (17) Outdoor storage, sales and rental of heavy equipment, materials, etc. See Sections 402 (C) and (Z).
- (18) Uses and structures accessory to the above. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use.

(C) **Permitted Uses after Special Use Approval.**

- (1) Contractor's yard. See Section 402 (AA).
- (2) Outdoor storage of materials or equipment that will not burn, explode, be dispersed by wind, dissolve in or contaminate water, or harm humans, plants or animals. See Section 402 (AA).
- (3) Fuel dealer. See Section 402 (O).
- (4) Central dry cleaning plants and laundries provided that such plants do not deal directly with the customer at retail.
- (5) Vehicle or equipment repair garage - major repair. See Section 402 (X).
- (6) Self-storage warehouse. See Section 402 (GG).
- (7) Wireless communication facilities. See Section 402 (NN).
- (8) Retail or service accessory uses that are clearly intended to serve the occupants and patrons of the principal use, provided that any such use shall be an incidental use occupying no more than 10 percent of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following:
  - (a) Child care services that are intended to serve families of workers in the district.
  - (b) Financial institutions, including banks, credit unions, and savings and loan associations.
  - (c) Personal service establishments which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.

- (d) Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.
- (e) Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.
- (f) Other accessory uses determined to be incidental to the principle use upon completion of site plan review by the Planning Commission.
- (9) Gas stations with or without convenience store and/or restaurant. See Section 402 (D).
- (10) Kennels. See Section 402 (V).
- (11) Industrial parks.
- (12) Race tracks.
- (13) Cemeteries. See Section 402 (G).
- (14) Composting. See Section 402 (I)
- (15) Building supply yard. See Section 402 (AA)
- (16) Small wind energy systems. See Section 402 (JJ).
- (17) Utility wind energy systems. See Section 402 (KK).

(D) **Developmental Standards.**

Buildings and uses in the M-1 Industrial: Limited Manufacturing district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the M-1 Industrial: Limited Manufacturing district are subject to the requirements of Section 309, Table of Dimensions.
- (3) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.
- (4) **General Development Standards.** Buildings and uses in the M-1 district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

**Section 308 (12). M-2 Industrial: Intensive Manufacturing District.**

(A) **Intent and Purpose.** To permit heavy industrial activity within the limitations provided by the State of Michigan’s environmental regulations. To permit uses that are compatible with an industrial setting and prohibit those that are not.

(B) **Permitted Uses.**

- (1) M-I permitted uses.
- (2) Rail freight yard. See Section 402 (MM).
- (3) Water treatment or storage facilities. See Section 402 (AA).
- (4) Heating and electric power generating plants.
- (5) Wireless communication facilities. See Section 402 (NN).
- (6) Outdoor storage, sales and rental of equipment, materials, etc. See Sections (X), (Z) and (AA).
- (7) Accessory uses, buildings and structures customarily incidental to any of the above uses, except use or storage of hazardous materials or above ground fuel storage, or accessory incinerators which require a separate Special Use Approval.

(C) **Permitted Uses after Special Use Approval.**

- (1) M-I permitted uses after special approval.
- (2) Airport and associated facilities. See Section 402 (B).
- (3) Junkyard. See Section 402 (U).
- (4) Landfill (type III).
- (5) Landfill (type II), resource or recovery incinerator. See Section 402 (S).
- (6) Oil or gas processing facility. See Section 402 (O).
- (7) Incarceration facility.
- (8) Municipal/public buildings with outdoor storage. See Section 402 (AA).
- (9) Municipal sewage treatment/disposal facility. See Section 402 (HH).
- (10) Soil resource extraction. See Section 402 (L).
- (11) Manufacturing, wholesale distribution, or warehousing of fireworks, explosives, ammunition, or other detonable materials. See Section 402 (O).
- (12) Millwork, lumber and planing mills See Section 402 (AA).
- (13) Any of the following processing, production or manufacturing uses (not including storage of finished products) provided that they are located a minimum of 800 feet from any Residential District and a minimum of 300 feet from any other zoning district:
- (14) Small wind energy systems. See Section 402 (JJ).
- (15) Utility wind energy systems. See Section 402 (KK).

(D) **Developmental Standards.**

Buildings and uses in the M-2 Industrial: Intensive Manufacturing district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the M-2 Industrial: Intensive Manufacturing District are subject to the requirements of Section 309, Table of Dimensions.
- (3) **Planned Unit Development.** Planned Unit Developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Section 1001.
- (4) **General Development Standards.** Buildings and uses in the M-2 District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

**Section 308 (13). AP Airport District.**

- (A) **Intent and Purpose.** The intent of this District is to create an area of open land suitable for airport activity, including land uses customarily associated with this activity, such as runways, landing areas or other facilities.
- (B) **Permitted Uses.** In the AP District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:
  - (1) Airports, heliports, landing areas, runways, taxiways, aircraft hangers and tie down areas, approach surface and transitional surfaces. See Section 402 (B).

(C) **Permitted Uses After Special Use Approval.**

- (1) Commercial and service establishments catering primarily to persons using the airport including sit-down restaurants, barber shops, automobile rental and leasing agencies, banks, travel agencies and similar uses.
- (2) Wholesaling and warehousing establishments requiring air transport.
- (3) Research or testing laboratories related to the aviation industry.
- (4) Transportation facilities including truck terminals, bus depots and similar uses.
- (5) Assembly and fabricating plants which use an airplane taxiway from the main airport runway directly to the manufacturing firm.
- (6) Terminals, accessory buildings and other uses customarily incidental to an airport operation.
- (7) Package expediting service.

(D) **Developmental Standards.** Buildings and uses in the AP Airport District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

- (1) **Site Plan Review.** Site plan review and approval where applicable.
- (2) **Lot Regulations.** Buildings and uses in the AP Airport District are subject to the requirements of Section 309 Table of Dimensions.
- (3) **General Development Standards.** Buildings and uses in the M-2, District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Chapter 4	Use Standards
Chapter 5	Supplementary Regulations
Chapter 6	Parking and Loading
Chapter 7	Landscaping, Screening, and Exterior Lighting
Chapter 8	Signs

**Section 309 Table of Dimensions**

(A) All buildings, uses, and lots shall comply with the dimensional standards set forth in the table below. Exceptions to the standards for each zoning district are provided in the footnotes following the table.

Zoning District	Lot Dimensions				Minimum Setbacks (f,m)							Structure Regulations			
	Minimum Lot Area	Minimum Lot Width	Minimum Depth	Maximum Lot Coverage	Front Yard	Side Yard		Rear Yard	Distance Between Structures	Corner Lot Yards		Maximum Height (e)		Minimum Dwelling Unit Floor Area	
						Least One	Total of Two			Side Street	Remaining sides	Stories	Height	Total Floor Area	Ground Floor
A-1 (k) Sec. 308(1)	20 ac (m)	330 ft	660 ft	10%	100 ft (a)	20 ft (a)	50 ft (a)	40 ft (a)	50 ft	50 ft (a)	20 ft (a)	2½	35 ft	1,000 sq ft	570 sq ft (m)
A-2 Sec. 308(2)	40,000 sq ft	100 ft	150 ft	35%	60 ft (a)	15 ft (a)	35 ft (a)	40 ft (a)	35 ft	35 ft (a)	15 ft (a)	2½	35 ft	1,000 sq ft	570 sq ft
R-1 Sec. 308(3)	10,000 sq ft	80 ft	100 ft	35%	30 ft (b)	8 ft	25 ft	30 ft	20 ft	30 ft	8 ft	2½	35 ft	1,000 sq ft.	570 sq ft
R-2 Sec. 308(4)	12,000 sq ft	90 ft	100 ft	35%	30 ft (b)	10 ft (c)	20 ft	30 ft	20 ft	25 ft	10 ft	2½	35 ft	1,000 sq ft	570 sq ft
R-3 (l) Sec. 308(5)	(d)	100 ft	180 ft	40%	30 ft	10 ft	35 ft	30 ft	20 ft	25 ft	10 ft	2½ (j)	35 ft	(l)	--
MH Sec. 308(6)	See Section 402 (W)														
TC Sec. 308(7)	15,000 sq ft	100 ft	100 ft	40%	40 ft	10 ft (h,i)	25 ft (h,i)	30 ft (h,i)	20 ft	25 ft	10 ft (h,i)	4 (g)	50 ft	(l)	570 sq. ft.
B-1 Sec. 308(8)	15,000 sq ft	100 ft	100 ft	40%	40 ft	10 ft (h,i)	25 ft (h,i)	30 ft (h,i)	20 ft	25 ft	10 ft (h,i)	3 (g)	40 ft	--	--
B-2 Sec. 308(9)	12,000 sq ft	100 ft	100 ft	50%	40 ft	5 ft (h,i)	10 ft (h,i)	30 ft (h,i)	--	30 ft	5 ft (h,i)	4 (g)	50 ft	--	--
B-3 Sec. 308(10)	20,000 sq ft	100 ft	100 ft	50%	40 ft	10 ft (h,i)	20 ft (h,i)	30 ft (h,i)	--	25 ft	10 ft (h,i)	4 (g)	50 ft	--	--
M-1 Sec. 308(11)	40,000 sq ft	150 ft	150 ft	60%	40 ft	20 ft (h,i,j)	50 ft (h,i,j)	30 ft (h,i,j,l)	--	40 ft	20 ft (h,i,j)	3½ (g,j)	45 ft	--	--
M-2 Sec. 308(12)	2 ac	200 ft	200 ft	60%	40 ft	30 ft (h,i,j)	80 ft (h,i,j)	40 ft (h,i,j)	--	40 ft	30 ft (h,i,j)	5 (g,j)	70 ft	-	--
AP Sec. 308 (13)	--	--	--	--	100 ft.	50 ft. (h,i,j)	100 ft. (h,i,j)	100 ft. (h,i,j)	--	50 ft.	50 ft. (h,i,j)	--	--	--	--

**Section 309 (B) Footnotes to the Table of Dimensions**

- (a) Manure storage or shelters for animals must be set back at least 200 feet from R-1, R-2 or R-3.
- (b) Only a sign may be located between a residential building and a front lot line in R-1 and R-2.
- (c) Zero side lot line duplexes are allowed with 10-foot minimum yards on opposite sides of 6,000 sq. ft. lots in R-2.
- (d) Residential Multiple in the R-3 zoning district shall have a minimum area of 3,060 square feet per unit.
- (e) Tri-City Area Joint Airport Zoning Ordinance height limits shall apply where they are stricter than these standards.
- (f) Setbacks for detached accessory structures:

Zoning District	Front Yard	Rear Yard	Least 1	Side Yards Total of 2	Corner Lot Yards Side Street	Remaining Side
A-1**	60 ft	30 ft	10 ft	50 ft	50 ft	10 ft
A-2**	60 ft	15 ft	10 ft	35 ft	35 ft	10 ft
R-1	30 ft	5 ft	8 ft	25 ft	30 ft	8 ft
R-2	30 ft	5 ft	8 ft	20 ft	25 ft	8 ft
R-3*	30 ft	5 ft	8 ft	25 ft	25 ft	8 ft
MH	See Section 402(v)					
TC	40 ft	10 ft	5 ft	25 ft	25 ft	5 ft
B-1	40 ft	10 ft	5 ft	25 ft	25 ft	5 ft
B-2	40 ft	10 ft	5 ft	10 ft	30 ft	5 ft
B-3	40 ft	10 ft	5 ft	20 ft	25 ft	5 ft
M-1	40 ft	20 ft	15 ft	50 ft	40 ft	15 ft
M-2	40 ft	20 ft	20 ft	40 ft	40 ft	20 ft
AP	50 ft	30 ft	20 ft	50 ft	50 ft	20 ft

\* Row Houses in the R-3 zoning districts shall comply with the following for accessory structures:

Front Yard	20 ft.
Rear Yard	20 ft
Side yards	0 ft
Corner lot side street	20 ft
Remaining side	10 ft

\*\* Accessory buildings used for agricultural purposes in the A-1 zoning district may not exceed 85 feet and in the A-2 zoning district 75 feet. See footnote (m).

- (g) Height limitations applicable to lots adjacent to the A-2, R-1, R-2 zoning districts:

Zoning District	Height of Structure
R-3	2 story or 30 feet, whichever is less
B-1	2 story or 30 feet, whichever is less
B-2	2½ story or 35 feet, whichever is less
B-3	2 story or 30 feet, whichever is less
M-1	2½ story or 35 feet, whichever is less
M-2	3½ story or 45 feet, whichever is less

- (h) Landscaping screen adjacent to the A-1, A-2, R-1, R-2, or R-3 zoning districts:  
A 20-foot yard with six foot visual screen required. Visual screen must be reduced to three foot height within a front yard setback.
- (i) Landscaping screen adjacent to the A-1, A-2, R-1, R-2, or R-3 zoning districts:  
A 100-foot yard with 6-foot visual screen is required. Outdoor storage, if permitted, allowed in side or rear yard with a 50-foot setback.
- (j) Parking is allowed in a side or rear yard with a 20-foot setback. No yard is required on side or rear if the building has railroad service on the applicable side. Principal buildings and accessory structures must be setback at least equal to their height on all sides.
- (k) In the A-1 zoning district, dwelling unit area shall be, at minimum, 400 sq. ft. per bedroom.
- (l) Dwelling unit minimum floor area in the R-3 zoning district:

Efficiency Unit	400 square feet
1 bedroom	600 square feet
2 bedroom	800 square feet
plus each additional bedroom	100 square feet
- (m) The minimum lot size in the A-1 District for agricultural production shall be twenty (20) acres. One single-family home is permitted on that lot.  
  
Separate lots that are residential in nature and not used for general agricultural production shall be a minimum of one (1) acre and not more than three (3) acres in area. Such lots shall have a lot width of not less than 167 feet, and shall meet all other setback, dimensional, and structure regulations of the A-2 District.



## Chapter 4

# USE STANDARDS

### Section 401. Intent and Purpose.

Each use listed in this Chapter, whether permitted by right or subject to approval as a special use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to:

- (1) Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
- (2) Mitigate the impacts of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
- (3) Ensure that such uses will be compatible with surrounding land uses.
- (4) Promote the orderly development of the district and the Township as a whole.

### Section 402. Scope of Regulations.

Conformance with these standards shall be subject to site plan review per Section 1101, Site Plan Review. Unless otherwise specified in this Chapter, all uses shall be subject to all applicable dimensional and use standards for the district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 508, Performance Standards.

#### (A) Adults-Only Businesses.

- (1) **Intent.** Uses regulated by this section are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated in a limited area, thereby having deleterious effects on nearby properties. Special regulation of these uses is needed to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

Accordingly, it is the intent and purpose of Buena Vista Charter Township to adopt reasonable regulations for adults-only businesses in the Township, so as to minimize the adverse effects caused by this activity on the public health, safety, and welfare of persons and property within the Township. It is the purpose of this Ordinance to regulate sexually oriented businesses to promote and protect the health, safety, morals and general welfare of the citizens of the Charter Township of Buena Vista and to establish reasonable and uniform regulations to prevent a concentration of sexually oriented businesses within the Township. These regulations are intended to control the negative secondary impacts such businesses have been documented to have on the surrounding area and the community. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

- (2) **Locational Requirements.** The following minimum separation distances shall be measured by a straight line between a point on the boundary of a zoning district listed below or a lot occupied by a use listed below nearest to the contemplated structure or contemplated location of the structure containing the adults-only businesses and the nearest point on the contemplated structure or contemplated location of the structure containing the adults-only businesses.
- (a) No adults-only business shall be located within 1,000 feet of any other adults-only business, nor any of the following:
    - (i) All Class "C" establishments licensed by the Michigan Liquor Control Commission.
    - (ii) Pool or billiard halls, amusement centers, or ice or roller skating rinks.
    - (iii) Indoor or outdoor movie theaters.
    - (iv) Any institutional use, as defined in Section 202, Definitions.
    - (v) Any child care facility, nursery or preschool.
    - (vi) The boundary of any residential district or a lot or parcel in residential use.
  - (b) An adults-only business site shall not be located closer than five hundred (500) feet to the right-of-way of Interstate 75 and a state highway.
- (3) **Use Standards.**
- (a) All adults-only businesses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
  - (b) No adults-only business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, window or other opening.
- (4) **Review.** A public hearing shall be required and noticed per the requirements of Section 1103, Public Hearing Procedures.
- (a) **Conditions of Approval.** The Planning Commission may impose such conditions or limitation upon the establishment, location, construction, maintenance, or operation of the regulated use, as shall, in its judgment be necessary for the protection of the public interest, except that any conditions imposed on an adults-only business shall be limited to those conditions necessary to assure compliance with the standards, conditions and requirements in this Section 402 (A) and Section 309, Table of Dimensions.
  - (b) **Time Limits for Review.** The following time limits shall apply to the review of an application by the Township Planning Commission for special approval of an adults-only business.

- (i) The Planning Commission shall public notice and hold a public hearing as required for special approval review within sixty (60) days of receiving a completed special approval and site plan application as required by this Ordinance.
- (ii) The Planning Commission shall render its decision to grant, deny, or grant approval with conditions regarding the special approval application for the adults-only business at the next regularly scheduled meeting of the Planning Commission following the public hearing held to review the application.
- (iii) Failure of the Township to act within the above specified time limits shall be deemed to constitute granting of special approval to the adults-only business.

**(B) Airports, Private or Public.**

The area, height and placement regulations of any airport, landing area, runway, taxiway, aircraft hanger, terminal or tie down area, approach surface, transitional surface or other facility for the operation of aircraft shall be in accordance with current Federal Aviation Agency, Michigan Aeronautics Commission and regulations.

- (1) Private aircraft landing strips, hangers, masts, and related facilities shall comply with the following:
  - (a) The effect of airport traffic on surrounding land uses shall be determined, including the possibly detrimental effect of truck traffic moving through primarily residential areas and if the effect is found to be detrimental to the surrounding properties or the general Township, uses creating such traffic shall not be permitted with the airport.
  - (b) Uses located on airport zoned property must meet the area, height and placement regulations of the zone they are customarily located in as indicated by Chapter 3.
  - (c) Uses located on airport zoned property must meet the parking and loading requirements of Chapter 6.
  - (d) Uses located on airport zoned property must meet the industrial performance standards of Section 508.
  - (e) The aircraft landing strip site and design shall comply with the standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation.
  - (f) All required "clear zones" (as defined by the FAA) shall be owned by the aircraft landing strip owner, or set aside as permanent open space by a recorded conservation easement.
  - (g) The number of permitted runways shall not exceed a maximum of 2.
  - (h) Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for accessory offices and other uses associated with the landing strip.

- (i) An emergency access road shall be provided and maintained to the landing strip for access by fire and emergency vehicles constructed of either asphalt, concrete, or compacted gravel.
- (j) The plans for such facilities shall be subject to approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics, where required by these agencies. Use of the landing strip shall be limited to aircraft classified as airplane design group (ADG) Group 1 and 2 by Federal Standards.

(2) **Public Airports.**

If the airport is owned by a public governmental agency, that agency shall have control of the location and design of the permitted uses on the property zone AP, Airport. The public agency shall meet the following requirements:

- (a) Uses located on airport zoned property shall meet the area, height and placement regulations of the district they are customarily located in as indicated by Chapter 3.
- (b) Uses located on airport zoned property shall meet the parking and loading requirements of Chapter 6.
- (c) Uses located on airport zoned property shall meet the industrial performance standards of Section 508.

(C) **Automobile Dealerships, Automobile Rental Establishments, and Similar Uses.**

Automobile or vehicle dealers, including those establishments with repair facilities and/or outdoor sales space, shall be subject to the requirements of this section. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, boats, trucks, and other vehicles. All such dealers shall be further subject to the requirements of Section 402 (Y), Outdoor Sales or Display Areas.

- (1) **Ingress and Egress.** All access shall be provided from a public road classified as a county primary road or State highway by the Township's Master Plan or Saginaw County Road Commission.
- (2) **Setbacks.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the location requirements for parking lots, as specified in Chapter 5, Parking and Loading.
- (3) **Grading, Surfacing, and Drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters.
- (4) **Driveway Location.** The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least 50 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
- (5) **Outdoor Display.** Outdoor display of all uses shall comply with the provisions of Section 402 (Y).
- (6) **Servicing of Vehicles.** The servicing of all uses shall be subject to the following requirements:

- (a) Service activities shall be clearly incidental to the sales operation.
- (b) Service activities shall occur within a completely enclosed building.
- (c) Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- (d) A building containing service operations shall be located a minimum of 50 feet from any property line.
- (e) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

(7) **Additional Use Standards.**

- (a) **Broadcasting Devices Prohibited.** Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
- (b) **Permanent Building Required.** There shall be provided on the site a permanent building within which records of the dealership shall be stored.
- (c) No flashing or oscillating lights, or turning or rotating signs or banners, shall be permitted in connection with any automobile dealership.

(D) **Automobile Gas and Service Stations.**

The following regulations shall apply to gas stations or automotive service stations, including tire, battery, muffler, and undercoating shops:

- (1) **Minimum Setbacks.** All buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut property that is zoned or used for residential purposes.
- (2) **Pump island canopy.** Pump islands and canopies shall comply with the following requirements:
  - (a) **Location.** The minimum setback for the right-of-way line shall be:
    - (i) 30 feet to the nearest edge of the pump island.
    - (ii) 20 feet to the nearest edge of the unenclosed canopy.
  - (b) **Lighting.** All lighting shall be fully recessed into the canopy structure.
  - (c) **Dimensional Requirements.** The underside of the canopy shall be no higher than 16 feet from grade and so noted on the site plan.
- (3) **Signage.** All signs, logos, or identifying paint schemes shall be shown on the site plan for review by the Planning Commission.
- (4) **Ingress and Egress.** Ingress and egress drives shall be a minimum 30 feet and a maximum of 40 feet in width. No more than one (1) such drive or curb opening shall be permitted for every 75 feet of frontage (or fraction thereof) along any

street. The nearest edge of any such drive shall be located at least 25 feet from the nearest point of any property zoned or used for residential purposes.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular or pedestrian entrances or crossings.

- (5) **Curbs.** A curb of at least six (6) inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property.
  - (6) **Layout.** All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.
  - (7) **Outside Storage.** Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days, provided such vehicles are stored in the rear yard within a masonry screening wall that is not less than six (6) feet in height.
  - (8) **Vehicle Sales and Storage.** The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises are prohibited.
- (E) **Bed and Breakfast Inns.**  
Bed and breakfast inns shall comply with the following:
- (1) **Primary Residence.** The structure shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
  - (2) **Guests.** Guests may stay no longer than 14 days in succession or a total of 60 days in any 12-month period. Off-street parking areas shall be provided for all guests and shall not be located in any required front yard. Stacking of more than two vehicles in a driveway is prohibited.
  - (3) **Screening.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in accordance with Section 705, Methods of Screening.
  - (4) **Limitations.** A bed and breakfast inn shall have direct access to a public road. Bed and breakfast inns shall be prohibited on lots abutting and with primary access to private roads, and on lots located in a platted subdivision or a site condominium project.
  - (5) **Use Standards.** The following additional use standards shall apply to all bed and breakfast inns:
    - (a) There shall be no separate kitchen facilities for the use of bed and breakfast guests.

- (b) Food may be served only to those persons who rent a room in the bed and breakfast facility.
  - (c) Bed and breakfast inns shall be limited to a maximum of four sleeping rooms.
  - (d) A bed and breakfast operation shall provide a minimum of one full bathroom facility for the owner, plus one separate full bathroom facility for each two permitted sleeping rooms.
  - (e) The location of exits, emergency exit routes, and tornado protection locations should be clearly posted on the interior of each guest room door.
- (6) **Approval.** Bed and breakfast inns shall be subject to Planning Commission Approval. The site plan application shall include floor plans with the following additional information:
- (a) Dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.).
  - (b) Locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.
  - (c) Fire Department review and approval is required.

(F) **Car Washes.**

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

- (1) **Use Standards.**
- (a) All washing facilities shall be completely within an enclosed-building, and exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
  - (b) Steam used in the cleaning process shall be contained within an enclosed building.
  - (c) Vacuuming facilities shall be prohibited between the road right-of-way and the building, and shall be set back a minimum of 50 feet from any residential use.
- (2) **Setbacks.** All building shall have a front yard setback of not less than 40 feet from the road right-of-way.
- (3) **Ingress/Egress.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses.
- (a) Ingress and egress points shall be located no closer than 60 feet from the intersection of any two public roads.
  - (b) Public roads shall not be used for maneuvering or parking by vehicles to be serviced by the car wash. Sufficient space shall be provided on the lot

so that vehicles do not enter or exit the wash building directly from an adjacent public road.

- (c) All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash lot.
- (4) **Screening.** The use shall be screened from adjacent residential districts or uses per Section 705, Methods of Screening, including screening for all loading facilities, trash dumpsters, and mechanical equipment.

(G) **Cemeteries.**

Cemeteries and similar uses shall be subject to the following:

- (1) **Ingress and Egress.** All access shall be provided from a public road classified as a county primary road or State highway by the Township's Master Plan or Saginaw County Road Commission.
- (2) **Screening.** All sides of the cemetery shall be secured by a continuous fence or wall, and screened from abutting residential districts or existing residential uses per Section 705, Methods of Screening.
- (3) **Setback.** All crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be located at least 100 feet from the nearest lot boundary.
- (4) **Continuity.** The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
- (5) **Compliance.** An approved cemetery shall comply with all federal, state and local laws, and applicable regulations of the State of Michigan.

(H) **Child Day Care Centers (not including Family Day Care Homes), Group Day Care Homes, and Adult Foster Care Large Group Homes.**

The following regulations shall apply to child day care centers, group child day care homes, and adult foster care large group homes:

- (1) **Licensing.** In accordance with applicable state laws, all facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.
- (2) **Outdoor Recreation Area.** A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per person at the licensed capacity of the facility, provided that child day care centers shall provide a minimum 5,000 square foot outdoor fenced recreation area.
- (3) **Pick-up and Drop-off.** Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public road.
- (4) **Frontage.** Such uses shall have frontage on, and direct vehicle access to a public road classified as a county primary road or State highway by the Township's Master Plan or Saginaw County Road Commission.



- (5) **Separation Requirements.** New group day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or the Township overall.
- (6) **Hours of Operation.** Day care facilities shall not exceed 16 hours of operation during a 24 hour period.

(I) **Composting Centers.**

Composting centers and support facilities shall be subject to the following:

(1) **Location.**

- (a) A Level I Environmental Assessment of the site shall be conducted prior to site plan review in accordance with the standards established by the DNR, that include:
  - (i) Walking the site in a systematic grid pattern to visually inspect for signs of adverse environmental activity. This includes a search for stressed vegetation, strained geologic structures, obvious placement of fill/debris, or the excavation of earth.
  - (ii) Aerial photographs are reviewed from a historical perspective over the last few decades.
  - (iii) Property ownership records and permit activities from the regulating agencies are researched and reviewed. Also, selected neighboring landowners are interviewed for their knowledge of any activity on the site.
  - (iv) Based upon the site inspection and data review, a chronological description of activity on the site can be established.
- (b) A composting facility shall not be allowed in any protected wetlands.

(2) **Site Plan Requirements for Composting Facilities.** This section establishes the requirements and procedures for operation of composting facilities for all facilities to be operated in Buena Vista Charter Township. All composting facilities shall submit a site plan to the Township for approval, containing the following:

- (a) Access route traffic on-site patterns.
- (b) Maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored to prevent rutting that would allow on-site ponding or puddling of water in places other than a retention basin.
- (c) Written documentation addressing the following:
  - (i) Hours of operation.
  - (ii) Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.

- (iii) Method of receiving compost materials.
- (iv) Method of sorting and handling composting materials.
- (v) Measures to be taken should anaerobic conditions arise.
- (vi) Expected frequency of removal of composted materials.
- (vii) Fire protection.
- (viii) Description of daily cleanup procedures.
- (ix) Measures to be taken should surface or groundwater contamination take place.

(3) **Use Standards.**

- (a) All facilities covered under this section must notify the Buena Vista Charter Township Building Official and Saginaw County Health Department that actual operations have begun.
- (b) Compost materials shall not be accepted on site in anaerobic condition.
- (c) Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Township Building Official. If anaerobic conditions arise more than two (2) times in a 30 calendar day period, the facility shall pay a fine set by Township Board and close for 30 calendar days. After three (3) such closures within one (1) calendar year, the Township may order the site to be closed permanently.

(4) **Screening and Separation Standards.** To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply:

- (a) An isolation distance of 100 feet shall be maintained between the beginning of the program area designated to the composting facility and any residential district.
- (b) The site shall be screened from all road rights-of-way and abutting uses in accordance with Section xxx, Methods of Screening. A landscaped berm, minimum six (6) feet in height planted with evergreen trees and deciduous shall be provided around the perimeter of the site.

(5) **Fugitive Dust, Noxious Odors, Noise, Vibration, Light and Blowing Debris.**

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.

The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. The Planning Commission shall approve this plan.

If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by the Building Official, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten working days from the date that the Building Official notifies the operator. This plan shall demonstrate to the satisfaction of the Building Official that the problem will be abated within two weeks.

- (6) **Compost Storage.** The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property, and no bagged materials containing grass shall be accepted at a composting facility. Grass contained in bags shall be de-bagged at the original point of collection before hauled to the composting facility.
- (7) **Closure Plan.** A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than 365 consecutive days.
  - (a) The plan shall describe:
    - (i) How the existing site will be cleaned up.
    - (ii) How and where the existing surface debris will be disposed.
    - (iii) What the final disposition of the land will be.
  - (b) The petitioner shall, prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean up should operations cease. The deposit shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount to be determined acceptable by the Township Board.
  - (c) Violation of any of the provisions of this Section shall result in the Township having the right to close or cleanup the composting facility and operation at the expense of the owner/operator or lessee of the composting facility.
  - (d) The Township may, at such time, direct the owner/operator or lessee to close or clean up the composting facility at the owner/operator or lessee's expense.
- (J) **Drive-through Facilities.**
  - (1) **Screening.** Screening shall be required from adjacent residential uses per Section 705, Methods of Screening, along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
  - (2) **Stacking.** All vehicle stacking lanes and spaces shall be contained on the lot.
  - (3) **Location.** All drive-through facilities shall be attached to and located at the rear or side of the principal building.
  - (4) **Noise Abatement.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the lot boundaries in conformance with Section 508, Performance Standards.

- (5) **Menu Boards.** Menu boards may be erected as an accessory use to a drive-through lane for a business, subject to the following:
  - (a) Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from street rights-of-way and residential districts or uses.
  - (b) The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.
  - (c) A menu board shall not exceed six (6) feet in height and 48 square feet in area.

(K) **Essential Public Services Structures, Storage Yards and Substations.**

Essential public services structures, substations, and similar uses shall comply with the following regulations:

- (1) **Location.** Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of existing development.
- (2) **Design.** All such buildings shall be architecturally compatible with buildings in the vicinity and shall be screened in accordance with Articles 7.00 and 8.00. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities can not be located in the required front yard.
- (3) **Off-site Impact.** Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation. Essential public service storage yards shall be screened from any adjacent residential district in accordance with Articles 7.00 and 8.00.
- (4) **Security Fencing.** Security fencing may be permitted, subject to the requirements in Article 8.00. Adjacent to a residential district, such fencing shall be decorative masonry and eight (8) feet high, subject to modification by the Planning Commission.

(L) **Extraction, Soil Resource.**

- (1) **Scope of Regulations.** This section regulates extraction, filling or repositioning of soil, sand, gravel, clay or other geologic deposit involving disturbance of more than 1,000 cubic yards of material. These regulations, however, shall not affect the excavations of residential dwellings, commercial or industrial buildings, roads, wells, parking lots, sewer or water lines, or similar uses pursuant to the State Construction Code enforced by the Township. This section also applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a byproduct of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in Buena Vista Charter Township.

Such regulations shall consider the conduct of the extractive operation and the reuse of the extractive operation site upon termination of the activity. It is the intent of this Section that parcels subject to the extractive operations upon termination of such operations, be reclaimed and rendered fully useful for one or

more of the uses permitted as principal uses within the various districts included in this ordinance. Extractive operations shall be subject to the following:

- (2) **Application Procedures and Review Process.** All extractive operation activities shall be carried out under the conditions of a Special Use Permit. At the time of application for a Special Use Permit for an extractive operation, the applicant shall submit an extractive and reclamation plan to the Township Planning Commission. The site plan for any activity regulated by this section must include the following additional information:
  - (a) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five-foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
  - (b) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
  - (c) The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.
  - (d) The applicant shall file an extractive and reclamation site plan in accordance with the requirements of this Subsection. This plan may be in the form of a plat or map, and shall carry evidence of review and approval if required by any county or state agency of competent jurisdiction. On the basis of this plan, the operating company shall file a statement of the area to be excavated.
  
- (3) **Excavation Site Requirements.**
  - (a) Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a state permit may be required.
  - (b) Excavations that create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.
  - (c) Excavations may be no closer than 50 feet to a power line.
  - (d) No digging, stockpiling, excavating or equipment storage and repair shall take place closer than 100 feet from any lot line, and 300 feet from an existing residential zoning district. If inactive for more than one (1) year, stockpiles of surface overburden shall be seeded with grass or other materials so to prevent erosion onto other premises.
  
- (4) **Construction and Operation Requirements.**
  - (a) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
  - (b) Minimum designed water depth of a pond must be 15 feet to insure proper aeration and circulation of the water.
  
- (5) **Reclamation Activities.** The following design requirements shall apply to all reclamation activities:

- (a) Any pond banks shall have a maximum slope of one foot vertical to four feet horizontal that extends below the projected low water surface elevation to a depth of at least eight feet.
  - (b) Any excavated material not removed from the site shall be graded to a continuous slope that that does not exceed one foot vertical to three feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.
  - (c) Topsoil, of a quality similar to the area, shall be applied in a thickness of no less than six (6) inches over the surface overburden.
  - (d) Vegetation common to the area shall be restored by the seeding of grasses and subsequent planting of trees and shrubs to establish a self-sustaining vegetative cover on the land surface, to minimize erosion.
  - (e) By October 15 of each year, the completed portion of an excavation, and any disturbed area around it, shall be graded and seeded.
- (6) **Extractive Operations.** The extractive process, loading process, and public loading process shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturdays. Extractive operations shall not be permitted on Sundays or legal holidays, except under exceptional circumstances (i.e., shutting down of kilns or furnaces).
- (a) Each permittee shall be held responsible for the clean up of any spillage of materials, such as: dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel route(s). Any such material shall be removed within 24 hours of receipt of notice from the Township. Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.
  - (b) During the site plan review process, the Planning Commission shall determine whether a fence will be required. If required, the location of the fence, type of fence and any posting requirements shall also be determined as part of the site plan review process.
- (7) **Additional Requirements.** The Township Board may require such other requirements as may be deemed necessary in the interest of public health, safety, and general welfare of the residents of Buena Vista Charter Township.
- (8) **Financial Guarantees.** The applicant shall provide the Township with a financial security, in the form and amount acceptable to the Township Board, to guarantee the reclamation and rehabilitation of the site according to the approved plan.
- (a) The applicant shall provide the appropriate permitting information regarding financial guarantees, if required, from the Saginaw County Road Commission, for the maintenance of the approved haul routes traversed by their vehicles, in accordance with the provisions of the Saginaw County Road Commission Haul Route Policy.
  - (b) Proof of liability insurance with Buena Vista Charter Township listed.

(M) **Funeral Homes and Mortuaries.**

- (1) **Assembly Area.** An adequate off-street assembly area shall be provided for funeral processions and activities. All maneuvering areas and exit aprons shall be located within the site and may be incorporated into the required off-street parking. Streets and alleys shall not be used for maneuvering or parking of vehicles.
- (2) **Screening.** The service and loading area shall be screened from adjacent residential districts or existing residential uses per Section 705, Methods of Screening.
- (3) **Crematories.** Crematories in conjunction with funeral homes or mortuaries are not permitted.

(N) **Greenhouses, Nurseries, and Garden Centers.**

The following shall apply to greenhouses, nurseries, and garden centers:

- (1) **Setbacks.** Plant storage and display areas shall comply with the minimum setback requirements for the district in which the establishment is located.
- (2) **Storage.** The storage of soil, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

(O) **Hazardous Materials Storage.**

Such uses shall comply with all standards of this Ordinance, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Saginaw County Health Department, and other agencies with jurisdiction. The applicant must supply the following documentation with any plan submitted for review:

- (1) Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
- (2) Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
- (3) Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
- (4) Description of all secondary containment measures, including design, construction materials and specifications, and security measures.
- (5) Description of the process for maintaining and recording of all shipping manifests.

(P) **Home Occupations.**

Home occupations shall be subject to the following:

- (1) **Use Standards.**
  - (a) **Intensity of Use.** Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence.
  - (b) **Employment.** Only residents of the dwelling may be engaged in the home occupation as employees.
  - (c) **Customer or Client Visits.** A home occupation shall not generate more than 10 customer or client visits per day, or more than 30 customer or client visits per week. No more than two (2) customers or clients may be present at any given time.
  - (d) **Commercial Vehicle Parking and Deliveries.** Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a one (1) ton capacity, provided such vehicle is directly related the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers.
  - (e) **Hours of Operation.** Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.
- (2) **Permitted Home Occupations.** The following uses shall be permitted as home occupations:
  - (a) Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.
  - (b) Personal services, including hair or nail care, grooming, catering, and chauffeuring services.
  - (c) Home office for massage therapists.
  - (d) Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
  - (e) Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working.
  - (f) Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
  - (g) Any home occupation not specifically listed may be permitted as a special use, subject to the provisions of this Section and Section 1102, Permitted Uses after Special Approval.
- (3) **Prohibited Uses.** The following uses are expressly prohibited as a home occupation:
  - (a) Motor vehicle, recreational vehicle or boat repair, bump and paint shops, and salvage or storage yards.



- (b) Kennels and veterinary clinics.
- (c) Medical or dental clinics.
- (d) Retail sales of merchandise, and eating or drinking establishments.
- (e) Undertaking and funeral homes.
- (f) Adult uses and sexually oriented businesses
- (g) Uses similar to the above listed uses, or any use which would, in the determination of the Zoning Administrator, result in nuisance factors as defined by this Ordinance.

(4) **Prohibited Activities.** Home occupations shall not include:

- (a) Outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation.
- (b) The use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
- (c) Changes or alterations to the character or appearance of the residence.
- (d) Use of any signs or outside displays on the premises, except as permitted for residential dwellings in Chapter 8, Signs.
- (e) Parking that cannot be accommodated on the site.

(Q) **Hospitals.**

- (1) **Frontage and Access.** Hospitals shall have frontage on, and direct vehicle access to a major thoroughfare. In no case shall access to a hospital be off of a residential street.
- (2) **Setbacks.** The principal building and all accessory buildings shall be set back a minimum of 50 feet from all property lines. The minimum setback shall be increased 20 feet for each story in excess of two stories.
- (3) **Accessory Uses.** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses, shall be allowed within the principal building to serve the needs of patients, employees, and visitors.
- (4) **Screening.** Ambulance parking, emergency room and urgent care entrances, and loading areas shall be effectively screened from adjacent residential districts or existing residential uses per Section 705, Methods of Screening.
- (5) **State and Federal Regulations.** Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

(R) **Hotel, Motel.**

Hotels and motels, inns and motor lodges shall be subject to the following:

- (1) **Setbacks.** Any hotel or motel building shall be at least 50 feet from any residential zoning district, with adequate screening and/or buffering from an adjacent residential use.
  - (2) **Units.**
    - (a) Each rental unit shall contain at least a sleeping area and bathroom. The minimum gross floor area of each unit shall be 250 square feet.
    - (b) The number of sleeping rooms shall not exceed the number obtained by dividing the total square footage of the site by 1,500
  - (3) **Services.** A hotel or motel shall provide services customary to such facilities, including maid service, linen service, telephone and/or desk service, and the use of furniture.
- (S) **Incinerators.**
- (1) **General. Incinerators.** General incinerators shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in said statutes, the state requirements shall prevail. All installations shall be maintained in a neat, orderly condition.
  - (2) **Permits.** Any permits required for the subject use under Michigan law must be obtained before a zoning permit is issued. The planning commission may hold a public hearing and approve a special use permit, conditioned upon receipt of the state permit(s). The zoning administrator may communicate said action, if needed for any state permit process.
  - (3) **Remote from Residential Subdivisions.** No dwelling in a subdivision with an officially filed plat shall exist within 2,000 feet of any building or active use area of the facility, regardless of which zoning district the dwelling is in.
  - (4) **Tree Buffer.** Buffers of natural tree cover or planted evergreens no less than 100 feetwide shall be provided on the periphery of the property.
  - (5) **No Hazardous or Toxic Waste.** No hazardous or toxic wastes, as defined by the department of natural resources, may be deposited or stored at any time.
  - (6) **Truck Access.** Routes for truck movement to and from the site shall be identified by the Saginaw County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
  - (7) **Hours of Operation.** No machinery or equipment shall operate, and no trucks shall arrive at the site before 7:00 a.m. or after 8:00 p.m.
  - (8) **Activity Restrictions.** No open burning is permitted, and all processes using equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted in an enclosed building.
  - (9) **Fence Requirements.** Berms and fences shall be constructed around any landfill or incinerator as required by the Act 641 regulations. These shall be placed on the interior of the tree buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance that is to be locked during hours when no operation is taking place.

(T) **Institutional Uses.**

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities.

- (1) **Height of Structure.** The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 50 feet, provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard.

The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy more than 20 percent of the roof area of the building.

- (2) **Frontage and Access.** Institutional uses shall have frontage on, and direct vehicle access to a public road classified as a county primary road by the Township's Comprehensive Development Plan or Saginaw County Road Commission.

- (3) **Large Scale Institutional Uses.** A public, parochial and private schools including nursery schools, churches, libraries, community buildings, hospitals, convalescent homes, municipal facilities or mortuaries, which have either one or both of the following characteristics are considered a large scale use:

- (a) 500 or more parking spaces are required based on the parking requirements in the Zoning Ordinance.

- (b) The seating capacity of the main area of assembly is 1,500 seats or more. Each large-scale use shall meet the following conditions in addition to all other provisions of this Ordinance. These standards are intended to restrict large-scale uses to suitable locations, and to mitigate any adverse impacts of the uses on the community.

- (c) **Location.**

- (i) The site shall have at least 150 feet of frontage on a major thoroughfare with an existing or planned right-of-way of not less than 120 feet. All ingress and egress to the site shall be directly onto such major thoroughfares.

- (ii) All buildings, structures, and parking and loading areas shall be set back a minimum of 100 feet from any abutting residential zoning district. Such setback area shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of Section 705, Methods of Screening.

- (d) **Traffic.** Traffic from events (including church worship services) and other large assemblies shall be controlled by the institution or church, or by its agents, so as to not create congestion or unreasonable delays on the public street. A schedule of expected frequency of events (including church worship services) and assemblies, a description of the method(s)

of traffic control and a traffic impact study shall be presented to the Planning Commission for approval after review and comment on the plan by the Township Police Department.

- (e) **Associated Uses.** Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools (if not the primary use), convents, and others shall meet all requirements of this Ordinance for such uses.
- (f) **Parking.** All parking spaces and aisles shall be screened from off-site view by any one (1) or a combination of the following, in accordance with Section 705, Methods of Screening:
  - (i) Screening mound or berm.
  - (ii) Dense evergreen screen.
  - (iii) Solid wall with planting strip.
  - (iv) Changes in grade through the use of retaining walls, topographic features.
- (g) **Additional Use Standards.** Storage of buses, trucks, and maintenance equipment shall be entirely within a totally enclosed building.

(U) **Junk Yard and/or Salvage Yard.**

Junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall be subject to the following:

- (1) The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, per Section 705 (B), Fences. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted.
- (2) The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 705, Methods of Screening. Such uses shall have frontage on and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or the Saginaw County Road Commission.
- (3) Junk materials shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection or to interfere with or threaten the safety of visitors.
- (4) Junk materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety. The junkyard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
- (5) The junk yard, when established and located within 1,000 feet of any existing residential district or residential use, as measured on a straight-line distance, shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays; between 7:00 a.m. and 12:00 noon on Saturdays. In addition, sale activities only are allowed on Saturdays between 12:00 noon and

8:00 p.m. Sundays from 9:00 a.m. to 6:00 p.m., and weekdays from 6:00 p.m. to 8:00 p.m.

- (6) Burning shall be prohibited except within an enclosed incinerator approved by the Township Fire Chief, the Township Building Official, and the Saginaw County Health Department.
- (7) All flammable liquids contained in automobiles and other vehicles shall be drained immediately after such vehicles are brought to the junkyard. Such liquids shall be stored in containers approved by the Township Fire Chief.
- (8) There shall be not more than one (1) entryway from each public street that adjoins the junkyard. All drives, parking areas, and loading/unloading areas shall be paved, or chemically treated to limit windborne dust.

(V) **Kennels and Animal Shelters.**

Kennels and animal shelters shall conform to all applicable permit and operational requirements established by appropriate regulatory agencies, and shall further be subject to the following:

- (1) **Minimum Number of Animals.** If more than four) animals are housed on a parcel, six months of age or older, the subject site will be considered a kennel for the purpose of this ordinance.
- (2) **Setbacks.** Structures or pens where animals are kept, outdoor runs, and exercise areas shall not be located in any required front yard setback areas. Such facilities shall be set back at least 100 feet from all road rights-of-way, and 100 feet from all side and rear lot lines.
- (3) **Screening.** Structures where animals are kept, outdoor runs, and exercise areas shall be screened in accordance with Section 705, Methods of Screening.
- (4) **Use Standards.** Structures where animals are kept, outdoor runs, and exercise areas shall have impervious surfaces and an approved system for runoff, waste collection, and disposal. Kennels and animal shelters shall be established and maintained in accordance with all applicable County and Township sanitation and animal control regulations.
- (5) **Additional Conditions.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

(W) **Mobile Home Park.**

- (1) **State Permit Coordination.** The Michigan Manufactured Housing Commission has issued comprehensive rules regulating safety, licensing, construction, business practices and other aspects of mobile home parks under the authority of section 11(2) of the Mobile Home Commission Act (Public Act 96 of 1987). Site plan approval for a mobile home park constitutes "preliminary local zoning approval" as provided by said act. A construction permit and license for operation of the mobile home park must be obtained from the Michigan Mobile Home Commission after site plan approval.

- (2) **Compliance with State Standards.** The Michigan Mobile Home Commission's rules establish basic standards to be met in any Michigan community when constructing a mobile home park. Overall, these standards are hereby adopted, by this reference, as the standards for local zoning approval
- (a) **Dimensional Requirements Referenced.** Such items, including but not limited to, as setbacks, open space, and the square footage of mobile home spaces are addressed by the Michigan Mobile Home Commission's rules. These must be met before preliminary site plan approval can be granted.
  - (b) **Interior Roadways.** Roadways within a mobile home park must meet the Mobile Home Commission standards (rules 920 through 923).
  - (c) **Pedestrian Circulation.** Sidewalks, when provided, shall comprise a coordinated pedestrian circulation system and shall meet the requirements of the Michigan Mobile Home Commission rule 928.
  - (d) **Sewage Collection.** Sewage collection and disposal or treatment facilities for a mobile home park must be approved by the Michigan Department of Environmental Quality (MDEQ). Note that sewage retention or treatment facilities are accessory uses for mobile home parks, and must be screened in conformance with the requirements of the Michigan Manufactured Housing Commission, rule 945.

(X) **Motor Vehicle Repair Garages.**

The following regulations shall apply to automobile, truck and other motor vehicle major and minor repair garages and service centers. See Section 202, Definitions, for Minor and Major Repair Service.

(1) **Use Standards**

- (a) **Repair and Service Use Limitations.** All equipment and service bays, hoists, pits, and other facilities shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any adjacent residential use.
- (b) **Noise and Odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.
- (c) **Traffic Impacts and Pollution Prevention.** The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.
- (d) **Storage.** The storage, sale, rental or display of new, used, inoperable, wrecked or partially dismantled automobiles, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in

conformance with the requirements of this Section and Ordinance:

- (i) Suitable containers shall be provided and utilized for the disposal of used parts or materials, which shall be stored at least 18 inches above the ground and such containers shall be screened from public view.
    - (ii) Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 60 days. Such storage shall not occur in front of the front building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
  - (2) **Minimum Setbacks.** Buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut a residential district or residential use.
  - (3) **Ingress and Egress.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses. The maximum widths of all driveways at the right-of-way line shall be 30 feet, and all driveways shall be located no closer than 60 feet from the intersection of any two (2) public roads.
  - (4) **Screening.** All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area. Outdoor storage of parts or materials shall be screened in accordance with Section 705, Methods of Screening.
- (Y) **Multiple-Family Housing.**

All multiple-family dwellings and developments including two-family (duplex) dwellings, apartment buildings, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, and dependent elderly housing shall comply with the following:

- (1) **General Standards.**
  - (a) **Frontage, Access and Vehicle Circulation.** Multiple family developments shall have frontage on and direct vehicle access to a public road classified as a county primary road by the Township's Master Plan or the Saginaw County Road Commission.
    - (i) All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced with asphalt, concrete or other paving materials approved by the Township. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto adjacent lots or across road rights-of-way.
    - (ii) Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the public road.

- (iii) Such uses shall be screened from abutting single-family residential districts or uses in accordance with Section 705, Methods of Screening.
  - (b) **Pedestrian Circulation.** Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, along with barrier-free access ramps.
  - (c) **Recreation Areas.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least 15 percent of the gross area of the development.
    - (i) The minimum size of each recreation area shall be 5,000 contiguous square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1).
    - (ii) Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
    - (iii) Off-street parking areas, driveways, basins, ponds, and accessory uses or areas shall not be counted as required open space.
  - (d) **Other Requirements.** Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.
- (2) **Senior Housing and Independent Elderly Housing.** The following additional standards shall apply to senior and independent elderly housing:
  - (a) **Minimum Floor Area.** Dwelling units shall be a minimum 400 square feet in floor area (not including kitchen and sanitary facilities). A one bedroom unit shall be 600 square feet and a two bedroom unit shall be 800 square feet.
  - (b) **Accessory Uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.
- (3) **Nursing Homes, Assisted Living Facilities, and Dependent Elderly Housing.** The following additional standards shall apply to nursing homes, assisted living facilities, and dependent elderly housing:
  - (a) **Minimum Floor Area.** The minimum floor area per sleeping room shall be 300 square feet not including sanitation facilities.
  - (b) **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of 40 feet from all lot boundaries.



- (c) **State and Federal Regulations.** Nursing homes, convalescent homes, rest homes, orphanages and halfway houses shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws.
- (d) **Accessory Uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

(Z) **Outdoor Sales or Display Areas.**

Outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

(1) **Use Standards.**

- (a) **Broadcasting Devices Prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
- (b) **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in the public right-of-way or any required setback.
- (c) **Hours of Operation.** Operational hours for open-air businesses, outdoor display area, and exterior lighting may be restricted by the Planning Commission to protect nearby residential districts.
- (d) **Storage.** The storage of any soil, fertilizer, or other loose, unpacked materials shall be contained so as to prevent any effect on adjacent uses.

(2) **Site Standards.**

- (a) **Setbacks.** Outdoor sales or display areas shall be set back a minimum of 10 feet from any parking area, driveway or access drive, and 20 feet from any road right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.
- (b) **Exterior Lighting of Outdoor Sales or Display Area.** The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting within the outdoor sales or display area, provided that site lighting is otherwise in compliance with Section 712, Exterior Lighting.
- (c) **Signs.** Additional signs shall not be permitted beyond those permitted for the principal use.
- (d) **Sidewalk Standards.** The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.
- (e) **Grading, Surfacing, and Drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete

or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters.

- (f) **Screening.** Outdoor sales or display area shall be screened from adjacent residential districts in accordance with Section 705, Methods of Screening.
- (g) **Outdoor Display of Vehicles.** Outdoor sales space for the sale of new or used motor vehicles, house trailers, boats, boat trailers and/or recreational vehicles may be permitted only if carried on in conjunction with a regularly authorized automobile or recreational vehicle dealership that is housed in a permanent building on the same parcel of land or on contiguous parcels of land. This provision shall not prohibit a private individual, on his/her own property, from offering for sale not more than one of his/her personally owned motor vehicles or boats at any one time; but he/she shall not so offer for sale more than three motor vehicles or boats per year without complying with the zoning requirements for the sale of used motor vehicles or boats.

(AA) **Outdoor Storage, General.**

Outdoor storage of equipment, products, machinery, lumber, landscaping and building supplies or similar items shall be subject to the following:

- (1) **Screening.** The storage area shall be enclosed within a decorative brick or brick pattern, split scored or similar decorative blocks, solid wall or decorative solid fence at least six (6) feet and no more than eight (8) feet in height, per Section 3.304, Fences. The storage area shall be screened from all road rights-of-way and abutting uses in accordance with Section 705, Methods of Screening.
- (2) **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in any required setback areas.
- (3) **Use standards.**
  - (a) No junk or junk vehicles shall be stored.
  - (b) The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
  - (c) No trailer, manufactured home or truck trailer shall be stored or used for storage.
  - (d) No materials shall be stored above the height of the required wall or fence.
  - (e) In no case shall used oil or other petrochemicals be dumped or stored, except at an authorized waste oil recovery facility.

(BB) **Private Riding Arenas and Boarding Stables.**

All stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar riding animals shall be subject to the following:

- (1) The lot area shall not be less than five (5) contiguous acres under single ownership or control.

- (2) Any building, pen, run, corral or other structure or permanent facilities or areas where horses are kept or confined shall be set back a minimum of 200 feet from any dwelling on an adjacent lot and 100 feet from all adjacent lot boundaries.
- (3) Such facilities or areas shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than rear building line of the dwelling on the subject lot.
- (4) A fenced area where the horse or horses are allowed to feed, exercise, or be ridden or under harness may extend to the front, rear or side lot lines. All horses shall be kept confined within a fenced area when not being ridden, under harness, or in hand or when not in their building, pen, run, corral or other structure or permanent area.
- (5) There shall be no commercial activity, other than an isolated sale not unusual for a residential use
- (6) No formal site plan shall be necessary unless otherwise required by this Ordinance. A plot plan shall be submitted to the Zoning Administrator with the following:
  - (a) Lot identification, (address and property card number), size of lot, and dimensions of lot boundaries.
  - (b) The location and names of abutting roads, streets, and alleys.
  - (c) Existing site improvements and proposed modifications, and location of any structures on adjacent lots within 100 feet of the subject lot.

**(CC) Private and Public Recreational Facilities.**

Private and public parks and recreational facilities shall be subject to the following:

- (1) **General Requirements.** Structures associated with such uses as parks, country clubs, golf courses, golf driving ranges, and other similar recreational facilities shall be located at least 250 feet from a lot line or any adjacent residence or residential district and all ingress and egress from said parcel shall be directly onto a major thoroughfare.

All primary activities associated with such operations and conducted out-of-doors or fashion that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation that shall not exceed 7:00 a.m. to 10:00 p.m., unless approval for an extension of that period is obtained from the Buena Vista Charter Township Planning Commission. Outdoor lighting shall not be permitted where such lighting would negatively impact neighboring residential uses.

Construction, expansion, and alteration of recreational facilities shall be subject to site plan approval per Section 1101, Site Plan Review.

- (2) **Gun Clubs and Shooting Range Regulations.** The following additional standards shall apply to all gun clubs and shooting ranges:
  - (a) All such facilities must be situated on a parcel of land not less than 10 acres in area.

- (b) Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height, and posted through both symbols and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than 50 feet apart.
- (c) Design and operation of such facility shall also be in accordance with specifications and practices outlined in the "Current National Rifle Association Standards".

**(DD) Public or Commercial Riding Stables.**

Public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar riding animals available or intended for use by the public or for compensation shall be subject to the following:

- (1) Any paddock, building, pen, run, or corral shall be set back a minimum of 200 feet from any dwelling or principal building on an adjacent lot, and 100 feet from any adjacent lot boundary or road right-of-way. Fenced areas where the animals are allowed to feed, exercise or be ridden, in hand or under harness may extend to the lot boundaries and road right-of-way.
- (2) Sufficient off-street parking shall be provided, as determined by the Planning Commission.
- (2) Public or Commercial riding stables and academies shall be subject to site plan approval per Section 1101, Site Plan Review.

**(EE) Recreational Vehicle (RV) Park or Campground.**

Recreational vehicle parks and campgrounds shall be subject to special land use review and approval by the Planning Commission and the following:

- (1) **Regulatory Compliance Required.** RV parks or campgrounds must maintain compliance with all applicable regulations of the state and county health departments, the Michigan mobile home commission and the Michigan department of natural resources. Failure to maintain compliance with such regulations, as documented by (a) certificate(s) of compliance from the applicable agency(ies) is a violation of special use permit conditions, subject to enforcement per Section 1102).
- (2) **Screening and Security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses in accordance with Section 705, Methods of Screening.
- (3) **Setbacks.** Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened in accordance with Section 705, Methods of Screening.
- (4) **Additional Standards.** Campgrounds shall comply with all applicable county and state regulations. Each campsite shall either be provided with individual water and sewer hookups approved by the Saginaw County Health Department, or shall have convenient access to approved bathrooms, toilets, and shower facilities.

- (5) **Access.** Recreational vehicle parks shall have direct frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Township's Master Plan or Saginaw County Road Commission.
  - (a) Each individual camp-site for a recreational vehicle or tent shall be a minimum of 1,500 square feet.
  - (b) A common use area shall be provided based on the number of camp-sites at a ratio of 250 square feet per site. The common area may be improved to include passive and/or active recreational equipment for the use of all occupants of the campground.
- (6) **Parking.** The site shall include adequate vehicle access and parking facilities. All parking for campgrounds and recreational vehicle parks shall be set back a minimum of 40 feet from any residential district and meet the standards of Chapter 6, Parking and Loading.
- (7) **Resident Manager.** Each RV park or campground shall be directly supervised by a resident manager and his or her family. Management shall be accessible to park tenants at all times (24 hours every day) when park spaces are rented. The manager's residence must be a permanent structure containing the park's business office, plus at least 1,000 square feet of living area.
- (8) **Use Standards.**
  - (a) **Temporary Residency.** Campgrounds and recreational vehicle parks shall be for seasonal recreation use only. Spaces shall be rented by the day or week only, and no occupant of such spaces shall remain in the same park or campground for more than 60 days each year. This provision shall not apply to the manager or caretaker.
  - (b) **Impact on Surrounding Uses.** The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.
  - (c) **Accessory Retail Facilities.** Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

(FF) **Roadside Stands.**

Roadside stands up to 400 square feet in gross floor area shall be permitted accessory to any agricultural use, subject to the following:

- (1) A minimum of one parking space shall be provided outside of the road right-of-way for each 100 square feet of gross floor area in the stand.
- (2) All signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of Chapter 8, Signs.
- (3) The stand shall be located a minimum of 50 feet from the nearest road pavement or improved surface. Such stands shall be portable, and shall be removed from its roadside location during seasons when it will not be in use.

- (4) All produce or products for sale shall be grown, produced, or made from produce grown or material produced on the property where the stand is located.

(GG) **Self-Storage Warehouses.**

The following regulations shall apply to self-storage warehouses:

- (1) **Permitted Use.** Self-storage warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:
  - (a) Such storage shall be incidental to the main use of enclosed storage.
  - (b) Such storage shall be located to the rear of the lot and subject to any additional screening as determined by the Planning Commission at site plan review.
  - (c) All such recreational vehicle and equipment must be operable and licensed to operate on the highways of the State of Michigan.
  - (d) **Screening.** Sites shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 705, Methods of Screening.
- (2) **On-Site Circulation.** All internal circulation routes shall be at least 25 feet wide.
- (3) **Storage Units.**
  - (a) The maximum length of any self-storage building shall be 250 feet.
  - (c) No single self-storage building shall exceed 15 feet in height.
  - (c) All buildings shall have a pitched roof with gables. However, other roof styles may be approved by the Planning Commission subject to incorporation of sufficient architectural design and details.
- (4) **Retail Sales.** Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, labels, tape, protective covers, etc. shall be permitted on site.

(HH) **Sewage Treatment Plant.**

- (1) **General.** The treatment plant shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in said statutes, the state requirements shall prevail. All installations shall be maintained in a neat, orderly condition.
- (2) **Permits.** Any permits required for the subject use under Michigan law must be obtained before a zoning permit is issued. The planning commission may hold a public hearing and approve a special use permit, conditioned upon receipt of the state permit(s). The zoning administrator may communicate said action, if needed for any state permit process.
- (3) **Distance from Residential Subdivisions.** No dwelling in a subdivision with an officially filed plat shall exist within 2,000 feet of any building or active use area of the facility, regardless of which zoning district the dwelling is in.

- (4) **Tree Buffer.** Buffers of natural tree cover or planted evergreens no less than 100 feet wide shall be provided on the periphery of the property.
- (5) **No Hazardous or Toxic Waste.** No hazardous or toxic wastes, as defined by the department of natural resources, may be deposited or stored at any time.
- (6) **Truck Access.** Routes for truck movement to and from the site shall be identified by the Saginaw County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- (7) **Hours of Operation.** No machinery or equipment shall operate, and no trucks shall arrive at the site, before 7:00 a.m. or after 8:00 p.m.
- (8) **Activity Restrictions.** No open burning is permitted, and all processes using equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted in an enclosed building.
- (9) **Fence Requirements.** All operations shall be completely enclosed by a fence not less than six feet high.

(II) **Single-Family Dwellings, Detached.**

Detached single-family dwellings, except manufactured housing units located in approved and licensed manufactured housing parks, shall comply with the following standards:

- (1) All dwellings shall have a minimum width across all front, side, or rear elevations of 24 feet, and shall comply with the minimum floor area requirements of the zoning districts in which they are located.
- (2) Dwellings units shall be permanently attached to a perimeter foundation, which shall have the same perimeter dimensions as the dwelling and which complies with the applicable provisions of the State Construction Code. A manufactured home may be installed and anchored pursuant to the manufacturer's setup instructions and the applicable Michigan Manufactured Housing Commission General Rules, provided that its wheels and towing mechanism have been removed and the undercarriage has been secured and screened from view with permanent skirting or similar measures.
- (3) Permanent steps, porches or barrier free access ramps shall be provided where there is a difference in elevation between a doorway and grade level.
- (4) All dwellings shall contain an indoor storage area within the dwelling or a separate accessory structure, which shall be equal to 10 percent of the total residential floor area or 100 square feet, whichever is less.
- (5) All dwellings shall be connected to a privately owned and operated well and septic system approved by the Saginaw County Health Department, or to a publicly owned and operated water supply and sanitary sewer system.
- (6) New construction and additions to existing dwellings shall conform to all requirements of this Ordinance.
- (7) A minimum roof pitch of 3 feet rise to 12 feet of run for 60 percent to the roof surface is required.

(JJ) **Small Wind Energy Systems.**

The following standards are applicable to small wind energy systems:

- (1) **Minimum Site Area.** A small wind energy system may only be located on a lot with a minimum area of 1/2 acre.
- (2) **Height.** The maximum height for the fixed portion of the tower, excluding the blades or blade system, for small wind energy systems shall be based on the area of the parcel in question. In no case shall a wind energy system exceed height limits imposed by FAA regulations.

<u>Parcel Area</u>	<u>Maximum Tower Height</u>
½ - 1 acre	45 feet
1.01 – 5 acres	65 feet
5.01 – 10 acres	100 feet
Greater than 10 acres	No maximum

- (3) **Setbacks.**
  - (a) The minimum setback for any tower-mounted small wind energy system from any property line shall be equal to the height of the wind turbine plus 5 feet.
  - (b) The minimum setback for any tower-mounted small wind energy system from a road right of way or overhead utility line shall be equal to the height of the wind turbine unless written permission is granted by the governmental agency with jurisdiction over the road or the affected utility.
  - (c) Roof-mounted wind energy systems shall be set back a minimum of 15 feet from any property line.
  - (d) Tower-mounted small wind energy systems may not be located in the front yard of any lot. EXCEPTION: if the principal building is set back 200 feet or more from the street, tower-mounted systems may be located in the front yard provided that a minimum 150-foot front yard setback is provided.

(KK) **Utility Wind Energy Systems.**

The following standards are applicable to large wind energy systems:

- (1) **Minimum Site Area.** Utility wind energy systems may only be developed on a zoning lot with an area of 20 acres or greater.
- (2) **Setbacks.** Any utility wind energy system shall be set back a distance equal to the height of the tower plus 5 feet from any property line, road right of way, or overhead utility line.
- (3) **Towers.** Utility wind energy systems shall use tubular monopole towers, and shall not contain lettering, company insignia, advertising, or graphics on the tower or turbine that are visible beyond the property boundaries.



- (4) **Environmental Impact.** The applicant shall submit an environmental impact analysis prepared by a qualified third party assessing any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, wildlife, and antiquities. The applicant shall take appropriate measures, if possible, to minimize, eliminate or mitigate adverse impacts identified in the analysis. If the adverse impacts cannot be sufficiently mitigated or eliminated, the Township Board shall deny the request for a conditional use permit for the utility wind energy system.
  - (5) **Community Impact.** The applicant shall be responsible for repairing any public roads or other public infrastructure damaged or otherwise worn beyond typical usage by the construction of the utility wind energy system.
  - (6) **Decommissioning.** The applicant shall submit a decommissioning plan, including the following items of information:
    - (a) The anticipated life of the project.
    - (b) The estimated decommissioning costs and net salvage value in present dollars.
    - (c) The method of ensuring funds will be available for decommissioning and removal of towers, and restoration of the site to a pre-construction condition.
    - (d) Anticipated manner in which the project will be decommissioned and the site restored.
  - (7) **Complaint Resolution.** The applicant shall develop a process to resolve any potential complaints from nearby residents concerning the construction and operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting upon a complaint. The process shall not preclude any governmental body from acting on a complaint. The applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
- (LL) **Veterinary Clinics and Hospitals.**
- Veterinary clinics and hospitals shall comply with the following:
- (1) **Enclosure.** Other than outdoor runs, all other activities shall be conducted within a completely enclosed building constructed to ensure that noise and odors shall not be perceptible beyond the lot boundaries.
  - (2) **Setbacks.** All buildings and outdoor pens or enclosures shall be set back at least 100 feet from all road rights-of-way and residential districts.
  - (3) **Treatment Facilities.** All boarding shall be limited to animals brought in for treatment or surgery, unless the site has been approved as a kennel, per Section 402 (U), Kennels and Animal Shelters.
  - (4) **Use Standards.** The clinic or hospital shall be operated by a licensed or registered veterinarian, and shall be subject to the following:

- (a) Operation shall include proper control of animal waste, odor, and noise.
- (b) A six foot high solid fence, per Section 705 (B), Fences, shall enclose outdoor exercise areas.
- (c) Animals shall not be kept or quartered outside of a building between 8 pm and 8 am.

(MM) **Warehouses, Other Storage Facilities, and Truck Terminals.**

- (1) **Access.** Vehicle access to local streets shall be prohibited.
- (2) **Setbacks.** Truck terminals and any loading dock area shall be set back a minimum of 500 feet from any residential district or use.
- (3) **Parking and Loading.** All parking, loading, and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- (4) **Screening.** Truck and trailer parking areas shall be screened from all street rights-of-way and abutting uses, and screening shall be required on side or rear lot lines abutting a residential district or use, in accordance with Section 705, Methods of Screening.

(NN) **Wireless Communication Facilities**

- (1) **Purpose.** The purpose of this Article is to:
  - (a) Carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennas on a single tower.
  - (b) Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks from potential adverse impacts of towers and antennas.
  - (c) Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.
- (2) **Application.** The following information shall be provided with any application for approval of a wireless communications facility:
  - (a) **Applicant Information.** The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
  - (b) **Site Plan.** A site plan that identifies the type of wireless communications facility, as defined in this Ordinance, and includes the following:
    - (i) A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on

- the zoning lot upon which the facility will be located, and all existing structures and uses within 300 feet of the boundaries of the zoning lot.
- (ii) A screening plan, with details of proposed fencing and screening materials.
  - (iii) Elevation drawings of all proposed towers and other structures on the site.
  - (iv) A location map for the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within five (5) miles of the proposed location.
- (c) **Service Area Coverage Maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the additional service area coverage of proposed facilities.
  - (d) **Construction Drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, heights, electrical components, methods of construction and type of illumination for each wireless communications facility.
  - (e) **Permission to Locate.** The applicant shall submit copies of a signed lease or other proof of permission to locate a wireless communications facility on the site.
  - (f) **Co-location Agreement.** The applicant for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the site plan and elevation drawings.
  - (g) **Insurance Certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing Buena Vista Charter Township as the certificate holder and naming the Buena Vista Charter Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
  - (h) **Maintenance Agreement.** The applicant shall submit a plan for the long-term maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Township if maintenance responsibilities change.
  - (i) **Removal Agreement.** Prior to issuance of a zoning permit, the applicant shall submit a signed removal agreement and a security bond or letter of credit, in a form satisfactory to the Township Attorney, for the removal of

towers or antennas as applicable. The applicant shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Section.

- (j) **Tax-related Information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.
  - (k) **Engineering Certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels in the determination of the Planning Commission.
- (3) **Type of Review Required.** The purpose of this Section is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following table:

SITUATION or USE	Required Review and Approval		
	Planning Commission	Zoning Permit	Exempt
<b>NEW TOWERS AND ANTENNAS</b>			
Construction, alteration or enlargement of wireless communications facilities, including cell towers, AM antennas arrays, television or radio towers, and microwave or public utility transmission towers.	■		
Installation of an antenna on an existing building or structure.	■		
<b>COLOCATION ON EXISTING TOWERS</b>			
Co-location of an antenna on an existing approved tower.	.	■	
<b>SATELLITE DISH ANTENNAS</b>			
Installation of a satellite dish antenna with a diameter of less than 1.5 meters.			■
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		■	

SITUATION or USE	Required Review and Approval		
	Planning Commission	Zoning Permit	Exempt
<b>AMATEUR RADIO ANTENNAS</b>			
Installation of an amateur radio transmission and reception antenna.		■	
Installation of citizen band radio facilities, short wave facilities, an amateur radio reception-only antenna or governmental facilities subject to federal or state laws or regulations that preempt local regulatory authority.			■
<b>OTHER PROJECTS</b>			
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable codes.			■
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			■

- (a) **Exempt Facilities.** Activities listed as exempt from review shall be permitted by right, subject to the applicable standards of this Section.
  - (b) **Facilities Subject to Zoning Permit Approval.** Such facilities shall be subject to review and approval by the Zoning Administrator in accordance with the applicable standards of this Section.
  - (c) **Facilities Subject to Planning Commission Approval.** Such facilities shall be subject to a public hearing, and review and approval by the Planning Commission in accordance with the applicable standards of this Section and the review procedures specified in 1101, Site Plan Review.
- (4) **Review Procedure.** Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:
- (a) **Procedure.** After a complete application has been received and review fees paid, wireless communications facilities subject to Planning Commission review shall be reviewed in accordance with the following procedure:
    - (i) **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated Township consultants for review and comment.
    - (ii) **Public hearing.** A public hearing shall be scheduled and held before the Planning Commission for all wireless communications facilities subject to Planning Commission review, in accordance

with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended and Section 1103, Public Hearing Procedures.

- (iii) **Planning Commission action.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.
  - (a) The Planning Commission shall verify whether the facility is in compliance with the requirements of this Section and Ordinance.
  - (b) The Planning Commission shall verify whether the facility satisfies the criteria for approval listed in Section 1101 (D) (3).
  - (c) The Planning Commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
- (b) **Effect of Action.** Approval of the wireless communications facility by the Planning Commission shall allow the Building Official to review and issue a permit for the work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the Planning Commission. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that corrects any deficiencies in the denied application materials, facility design or location.
- (c) **Expiration of Approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.
- (5) **General Requirements.** The following regulations shall apply to all wireless communications facilities:
  - (a) **Federal, State and Local Standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.
  - (b) **Public Safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency emissions, and shall be designed, constructed, operated and maintained

in a structurally sound condition, using the best available technology to minimize any threat to public safety.

- (c) **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
  - (d) **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.
  - (e) **Colors.** Towers, and antennas located on towers, shall be painted white or grey. Antennas on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.
- (6) **Standards for Wireless Communication Towers.** The following shall apply to all wireless communication towers, microwave, or public utility transmission towers or antenna arrays.
- (a) **Location.** Wireless communication towers shall be limited to lots in the A-1, A-2, Agricultural districts, B-3 Commercial, M-1 and M-2, Industrial districts that have sufficient lot area to accommodate the minimum setback requirements of this Section.
  - (b) **Height.** Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennas attached to the tower. The Planning Commission may waive this height limitation, subject to the following:
    - (i) Determination that the additional height is necessary to permit reasonable use of the tower and antennas, based upon documentation submitted by the applicant.
    - (ii) Determination that the additional height will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum height standard of this subsection.
  - (c) **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts and uses as follows:
    - (i) **From Lot Boundaries.** A minimum distance equal to 100 percent of the height of the tower unless a lesser setback is demonstrated necessary based on the engineering certification provided with the application. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements.
    - (ii) **From Adjacent Districts and Uses.** A minimum of 200 feet from an existing residential dwelling unit.
    - (iii) **Between Towers.** New wireless communication towers shall be set back a minimum of one mile from all existing towers. The Planning Commission may approve a lesser separation distance upon determining that the tower location is necessary to satisfy

reasonable operating requirements, as demonstrated by the applicant.

- (d) **Co-location.** Wireless communications facilities shall be designed, constructed and maintained to accommodate co-location of multiple antennas on a single tower.
  - (e) **Ground Equipment Enclosure.** New wireless communication towers, accessory structures and equipment enclosures shall be completely enclosed by an eight foot high fence with a lockable gate to prevent unauthorized access. Screening shall be provided on all sides of the ground equipment enclosure except the gated area in accordance with Section 705, Methods of Screening.
  - (f) **Tower Address.** Each wireless communications tower shall be designated with a specific and unique mailing address.
- (7) **Standards for Antennas Located on Structures.** The following shall apply to antennas located on principal or accessory structures, in addition to the provisions of Section 402 (KK) (5), General Requirements:
- (a) Such antennas shall be limited to structures in the A-1, A-2, Agricultural districts, R-1, Single-family Residential, B-3 Commercial, M-1 and M-2, Industrial districts with a minimum height of 50 feet.
  - (b) The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than 10 feet.
- (8) **Standards for Amateur Radio Antennas.** The following shall apply to all amateur radio antennas, in addition to the provisions of Section 402 (KK) (5), General Requirements.
- (a) Amateur radio antennas shall be limited to lots in any zoning district that have sufficient lot area to accommodate the minimum setback requirements of this Section.
  - (b) A maximum of one such antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to 100 percent of its height.
  - (c) Such antennas shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
- (9) **Criteria for Approval.** Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:
- (a) **Operating Requirements.** The applicant shall demonstrate that operating requirements necessitate locating within the Township and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
  - (b) **Engineering Requirements.** The applicant shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.



- (c) **Impact on Adjacent Uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas, and road rights-of-way will not be adversely impacted by the location of the wireless communications facility.
  - (d) **Site Characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of wireless communications facilities.
  - (e) **Site Design.** The design, lighting, color, construction materials, landscaping, fencing, screening, and other design elements are in compliance with applicable provisions of this Section and Ordinance.
- (10) **Existing Towers and Antennas.** Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 402 (KK) (5), General Requirements and all approved plans, permits, and conditions of approval.
- (11) **Rescinding Approval of Wireless Communications Facilities.** Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Township about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:
- (a) **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with the procedures set forth in Section 1103, Public Hearing Procedures, at which time the operator of the use or owner of an interest in the wireless communications facility for which approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
  - (b) **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.
- (12) **Removal of Wireless Communications Facilities.** Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than 365 contiguous days, shall be removed by the owner or operator within 90 days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.
- (13) **METRO Act Telecommunication Facilities.** Nothing in this Ordinance shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act, P.A. 48 of 2002, as amended.

## Chapter 5

### SUPPLEMENTARY REGULATIONS

#### Section 501. Administrative Regulations.

- (A) **Scope of Regulations.** No building or structure of part thereof, shall hereafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this Ordinance.
- (B) **Vested Right.** Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservations or protection of public health, safety, and welfare.
- (C) **Minimum Requirements.** The provisions of this Ordinance shall be held to be minimum standards and requirements within each District and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use permit where such higher or more restrictive standards or requirements are found necessary by the Planning Commission and Township Board to attain the intent of this Ordinance.
- (D) **Unlawful Buildings, Structures, and Uses.** A building, structure, or use that was not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by the adoption of this Ordinance.
- (E) **Conflicting Regulations.** This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation permit, easement, covenant or other agreement previously adopted, issued or entered into and not in conflict with the provisions of this Ordinance. Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restriction or limitations than are imposed or required by the provisions of any other law or ordinance, then the provision of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.
- (F) **Voting Place.** The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.
- (G) **Essential Public Services and Required Utilities.** Essential public services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential public services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all essential public services to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance.
- (H) **Essential Services.** Although exempt from certain regulations, proposals for construction of essential services buildings, enclosures, storage yards, and shelters of essential service equipment shall still be subject to site plan review and special use review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or operation of said services and shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan.

Although exempt from certain regulations, proposals for construction of essential services buildings, enclosures, storage yards, and shelters of essential service equipment shall still be subject to site plan review and special use review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or operation of said services and shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan.

- (I) **Exemption for Oil and Gas Wells.** As provided in Section 205 (2) of Public Act 110 of 2006, as amended, the application of this Ordinance does not apply to the drilling, completion or operation of oil wells, gas wells, or both or other wells drilled for oil exploration, gas exploration purposes or both and the provisions of this Ordinance shall not apply to the issuance or permits for the location, drilling, completion, operation or abandonment of such wells. Full authority over these wells is exclusively vested in the State of Michigan, Supervisor of Wells.
  
- (J) **Water and Sanitary Sewer Facilities.**
  - (1) **Health Department approval required.** All developments in all zoning districts must be served by an approved public or common water supply and sanitary sewer facilities or utilize on-site systems that can be demonstrated to be appropriate to the specific location chosen and the level of utilization envisioned. Permits or approvals required under this Ordinance shall not be granted for the construction or establishment of buildings or uses requiring use of private water or wastewater systems until an applicant provides copies of the appropriate well or septic permits issued by the Saginaw County Health Department. Water and sanitary sewer systems in mobile home parks shall comply with the health standards for mobile home parks as defined by the Michigan Department of Environmental Quality (MDEQ).
  - (2) **Public sanitary sewers.** Where publicly-owned and operated water or sanitary sewer service is available, all principal buildings shall be connected to such systems at the time of construction or expansion, as required by law.
  - (3) **Required connection.** In areas of the township where sanitary sewer lines have been extended, all new structures must be connected to the public system before those structures may be occupied.

## **Section 502. Building and Structure Regulations.**

The following sections are generally applicable to the regulation of building and structures throughout the Township.

- (A) **Yard and Bulk Regulations**
  - (1) **General Regulations.** All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance.
    - (a) **Minimum Lot Size.** Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the required minimum lot area, lot width, lot coverage, and setback requirements for the district in which it is located. No yard in existence on the effective date of this Ordinance shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this

- Ordinance, nor shall any such yard be counted or used to satisfy yard requirement pertaining to any other building.
- (b) **Number of Principal Buildings per Lot.** Only one (1) principal building shall be placed on a lot of record, zoning lot, parcel or site in a single-family residential district.
  - (c) **Frontage and Access Required.** No dwelling shall be built on any lot that does not abut, have direct frontage on and access to an approved road with a dedicated road right-of-way with a continuous permanent frontage at the front lot line for the required parcel width in the applicable zoning district. Flag lots are not permitted.
  - (d) **Lot Width.** The width of a lot may not be less than  $\frac{1}{4}$  of its depth. On a curved street, or end of a cul-de-sac, lot width is measured at the front yard setback line.
- (B) **Height Exceptions.** The following exceptions shall be permitted to height limitations in the Section 309, Table of Dimensions. These permitted exceptions shall not be for human occupancy or dwelling. No exceptions shall be permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance unless authorization, permit or variance is obtained from the Tri-City Joint Airport Zoning Board or the Federal Aviation Administration.
- (1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, chimneys, smokestacks, and safety equipment are permitted to a maximum height of 55 feet in the B-1, B-2 and B-3 zoning districts, 60 feet in the M-1 zoning district, and 85 feet in the M-2 zoning district. Chimneys and smokestacks in an M-2 zoning are permitted to a maximum height of 225 feet when used in connection with a plant or facility that generates or produces electrical power, mechanical power, steam or natural gas.
  - (2) Water towers or standpipes are permitted to a maximum height of 150 feet in any zoning district.
  - (3) Antennas or flagpoles which are accessory to any agricultural or residential uses are permitted to a maximum height of 45 feet or 15 feet above the peak of any roof on the parcel, whichever is greater, in any A, R or MH zoning district. They shall be set back from any adjoining property lines a distance equal to their height.
  - (4) Flagpoles in any B, TC, or M zoning district shall have a maximum height of 60 feet.
  - (5) Radio, television are permitted to exceed the maximum height limits of this Ordinance but must be setback from all adjoining property lines by a distance at least equal to their height, unless sufficient evidence certified by an engineer is submitted that shows the height is not a threat to public safety.
  - (6) In the A-1 and A-2 districts, grain elevators, silos and barns are permitted to exceed the maximum height regulations of this Ordinance, but must be setback from all adjoining property lines by a distance at least equal to the height of the structure.
- (C) **Permitted Yard Encroachments.** Open porches, decks, paved terraces and patios may be treated as accessory structures if they meet the following restrictions, even though they are attached to the principal building. Thus, they may project into required side or rear yards for the principal building, but must adhere to the setbacks for accessory structures. (Note that enclosed porches are part of the principal building for yard, setback or parcel coverage requirements.)

- (1) The floor elevation of said terrace, patio or open porch may be up to three feet above the surrounding finished grade.
  - (2) An unenclosed porch may have a roof.
  - (3) An unroofed paved area or porch may have a windbreak or wall up to six feet high, for up to one-half of its perimeter.
  - (4) Structural elements such as cornices, sills, chimneys, and gutters may project up to 2.5 feet into required yards.
  - (5) Fire escapes, outside stairways, and balconies, if of open construction, may project up to five feet into required yards.
  - (6) Access drives may be placed in the required front side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.
- (D) **Corner Clear Vision Area.** No wall, fence planting or other obstruction shall be established or maintained or planted on any lot which creates a public hazard and which will unreasonably obstruct or interfere with traffic visibility on a curve or at any street intersection.

(1) **Standards**

Clear vision zones shall be provided as follows:

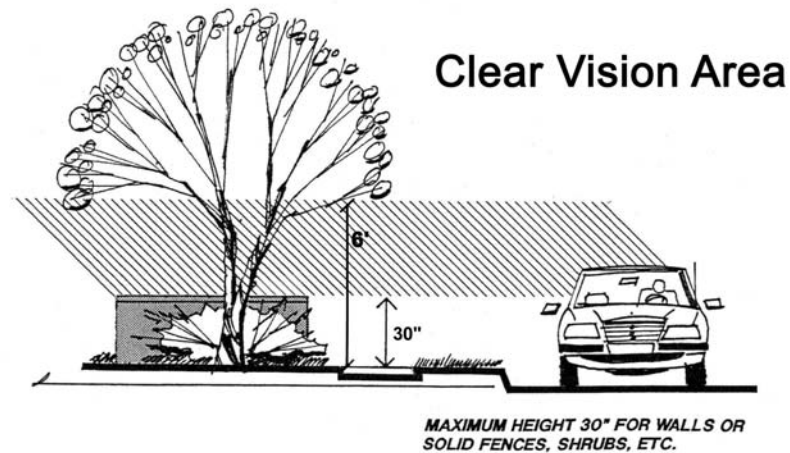
- (a) **Intersecting Streets or Roads.** The clear vision zones shall consist of triangular areas defined by the street setback lines and a line connecting two points located on the street setback lines set back a distance of twenty (20) feet from their point of intersection.
- (b) **Intersection of a Driveway and a Street or Road.** The clear vision zones shall consist of triangular areas defined by the street setback line, the access easement line (or edge of driveway pavement where no easement is provided), and a line connecting two points located on these lines set back a distance of ten (10) feet from their point of intersection.

(2) **Vision Obstructions Prohibited**

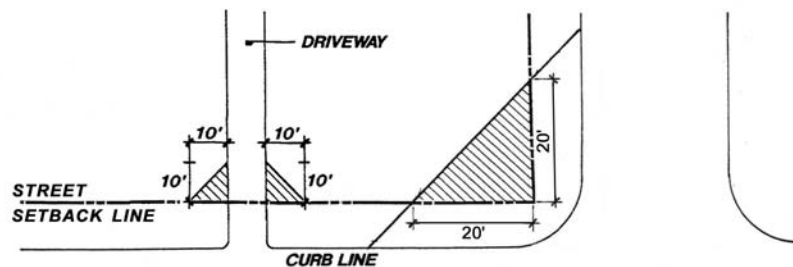
Within these clear vision zones, the area extending from a height of thirty (30) inches above grade to six (6) feet above shall remain clear and unobstructed, with the intent of permitting clear visibility for pedestrians and motorists. Shade trees up to thirty (30) inches in caliper, provided that all branches are at least six (6) feet in height above the ground and non-obscuring streetscape elements which do not obstruct vision, such as individual brick piers, and non-obscuring fencing, may be permitted within the clear vision zone.

(3) **Additional Requirements**

A larger clear vision area may be required where determined to be necessary by the Planning Commission in view of anticipated traffic volumes, traffic speeds, geographic or topographic conditions, or a traffic engineering analysis using the standards of the American Association of State and Highway Transportation Officials (AASHTO).



ELEVATION



PLAN

**Section 503. Accessory Buildings and Structures.**

The following shall apply to all new accessory buildings and structures in the Township, except as otherwise permitted in this Ordinance, and to alterations, renovations, expansions or other work that includes exterior changes to existing buildings or structures:

- (A) **General Standards.** The following shall apply to accessory buildings or structures in all zoning districts:
  - (1) **Timing of Construction.** No accessory building or structure shall be constructed or use established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land, except for permitted accessory agricultural buildings, structures or uses.
  - (2) **Location in Proximity to Easements or Rights-of-Way.** Accessory buildings and structures shall not be located within a dedicated easement or right-of-way.
  - (3) **Nuisances.** Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be

exposed to the nuisance. These restrictions shall not be construed to limit or prevent farm operations otherwise permitted under the Michigan Right to Farm Act.

- (4) **Conformance with Lot Coverage Standards.** Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.
  - (5) **Use of Accessory Structures.** Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units for any business, profession, trade or occupation, except a permitted home occupation. Except for a permitted home occupation as defined in Section 202, an accessory garage on a residential parcel shall be used only for the storage of vehicles or equipment or materials used by the occupants of the residence to which it is an accessory.
- (B) **Attached Accessory Structures.** Accessory buildings or structures attached to a principal building shall conform to the minimum required yard setbacks for principal buildings specified in Section 309, Schedule of Regulations, and shall be similar to the principal building in material and integrity. Site-built attached accessory structures must meet the Michigan Construction Code. If the attached accessory structure is produced by a mobile home manufacturer and is attached to a mobile home, the construction standards of the HUD National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, shall apply.
- (C) **Detached Accessory Buildings or Structures.** Accessory buildings or structures not attached to a principal building shall be subject to the following:
- (1) **Front Yard.** Detached accessory buildings or structures in any zoning district shall not be located in front of a main structure or in a required front yard setback except for the following:
    - (a) A roadside stand not exceeding 14 feet in height may be located in the front yard of a farm in the A-1 or A-2 zoning districts with a setback of 10 feet.
    - (b) A school bus shelter not exceeding 14 feet in height may be located in the front yard of a dwelling in the A-1 or A-2 zoning districts with a setback of 5 feet.
    - (c) On lots larger than three acres in the A-1 or A-2 district an accessory building may be permitted in front of the principal building, subject to meeting the setbacks for a principal structure.
  - (2) **Side and Rear Yards.** Detached accessory structures shall be setback as required by Section 309(B)(f).
  - (3) **Corner Lots.** If an accessory structure in any zoning district is located on a corner lot where the side lot line is a continuation of the front lot line of the lot to its rear, then the accessory structure shall not project beyond the front yard setback for the lot in the rear of such a corner lot.
  - (4) **Additional Standards for Residential Accessory Structures.** The following standards shall apply to all detached structures accessory to non-farm residential uses in the A-1, A-2, R-1, R-2, and R-3 Residential Districts.
    - a) A detached accessory structure shall be permitted to exceed 14 ft. in height, subject to provision of one foot additional setback for each one foot of structure height in excess of 14 ft., or portion thereof. Notwithstanding the

above, no residential detached accessory structure may exceed 20 feet in height, except as otherwise permitted by this Ordinance.

- (b) Such accessory structures shall be set back a minimum of 10 feet from any building.
- (c) No more than two (2) detached accessory buildings shall be permitted on a residential zoned lot.

- (5) **Height.** Accessory buildings used for agricultural purposes may not exceed 85 feet in the A-1 zoning district and 75 feet in the A-2 zoning district.

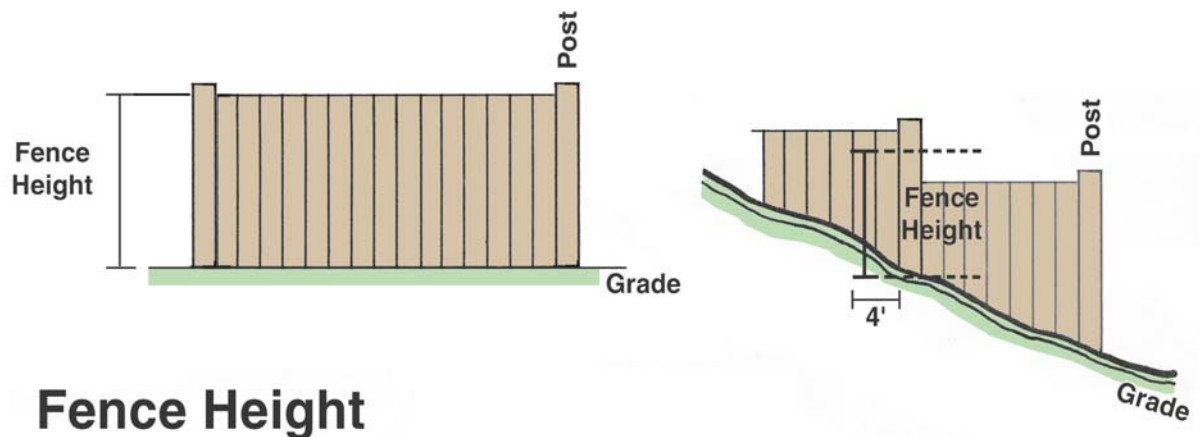
(D) **Fences and Wall.** The following shall apply to fences and walls in all zoning districts:

- (1) View-obstructing fences and walls over four feet in height shall be set back outside of any required front yard setback area, and a minimum of 25 feet from any road right-of-way.
- (2) Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
  - (a) Barbed or electric wire fences shall be permitted accessory to permitted agricultural uses, public utility facilities, and essential service uses in any zoning district.
  - (b) The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.
- (3) It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.
- (4) Fences shall comply with the unobstructed sight distance standards of Section 502 (D), Corner-Clear Vision Areas and shall not be erected in any required right-of-way.
- (5) Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots.
- (6) **Height.** Fence height shall be measured from the ground level adjacent to the fence to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).
  - (a) No fence located within the front yard shall exceed three (3) feet in height.
  - (b) Fences in non-residential zoning districts shall not exceed six (6) feet in height, except where otherwise permitted by this Ordinance or required by Planning Commission.
  - (c) Fences on all lots of record in all residential districts which enclose property or are within a side or rear yard shall not exceed six (6) feet in height.
  - (d) Fences or walls over six feet in height must be designed and plans submitted by a registered or licensed architect, landscape architect, or engineer.
- (7) **Maintenance.** Fences shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired, or removed, and exposed surfaces shall be



painted, stained or similarly treated in Residential districts. Any fence which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance, and the Zoning Enforcement Officer shall notify the owner of the property upon which the fence is located of the existence of such a nuisance. Such nuisances shall be abated within 30 days after receipt of such notice.

- (8) **Existing Fences.** Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Chapter 9, Nonconformities.



## Fence Height

- (E) **Swimming Pools, Spas and Hot Tubs.** Outdoor swimming pools, spas, and hot tubs constructed in, on or above the ground shall be permitted as an accessory use within the rear yard or side yard in all zoning districts subject to the following:
- (1) No swimming pool shall be located in the front yard area, or any easement or right-of-way.
  - (2) No swimming pool wall shall be located less than 35 feet from any road right-of-way line or any existing dwelling unit on abutting property.
  - (3) There shall be a minimum distance of not less than 10 feet between adjoining property lines, or alley right-of-way and the outside of the swimming pool wall. The required side yard setback shall apply if greater than 10 feet.
  - (4) There shall be a distance of not less than 10 feet between the outside swimming pool wall and any building located on the same lot.
  - (5) No swimming pool shall be located in an area designated for the replacement of an on-site sewage disposal system, or where its operation would interfere with an on-site sewage disposal system.
  - (6) To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and latching gate. Ladders or steps for

aboveground pools shall be capable of being secured, locked or removed. The Building Official may waive this requirement upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.

- (7) No swimming pool shall be located directly under utility wires or electrical service leads.
- (8) Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Township and all requirements of the Saginaw County Health Department.

#### **Section 504. Use of Yard Spaces and Other Open Areas for Storage**

There shall be no outside storage of unlicensed vehicles, which are required to be registered by law, permitted in any residential lot. This shall not be applicable to new or used car lots and junk yards. No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks or other materials either discarded, unsightly or showing evidence of a need for repairs, shall be stored, parked, abandoned or junked in any open area that is visible from the street, public place or adjoining residential property.

Unless otherwise provided for in this Ordinance, no yard surrounding a dwelling, building or structure shall be used for the location, parking, disposition, storage, deposit or dismantling in whole or in part of junk vehicles, machinery, used building materials or other discarded, disused or rubbish-like materials, equipment or structures.

#### **Section 505. Residential Design Standards.**

Each property owner shall be responsible for keeping his/her lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

- (A) **Foundation.** All single-family dwellings, except mobile homes located in mobile home parks, must be firmly attached to a permanent foundation meeting the Township building code requirements for permanent dwellings.
- (B) **Dimensions.** All single-family dwellings, except mobile homes located in mobile home parks, shall have a minimum width across any front, side or rear elevation of 20 feet and comply in all respects with the township building code.
- (C) **Roof.** The eaves of any roof for a single- or two-family dwelling shall project no less than six inches beyond the walls. A roof pitch of a minimum four to 12 for 60 percent of the roof area is required for all residential dwellings, except where the specific and widely recognized housing design style dictates otherwise.
- (D) **Exterior doors.** Every single-family dwelling shall have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.
- (E) **Storage area.** Every dwelling unit shall contain storage space equal to ten percent of the gross floor area of the dwelling or 100 square feet, whichever is less, in a basement located under the dwelling, an attic area, closet areas, or an accessory structure which meets all requirements of the Township building code. The minimum storage area shall not be used as garage space.

## Section 506. Temporary Dwellings

No cabin, garage, cellar, or basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, moved upon or used in whole or in part for any dwelling purpose, except as provided in this Section. A mobile home placed in a mobile home park in accordance with the Manufactured Housing Commission's rules for use as a permanent dwelling is also exempt. If a dwelling is destroyed or rendered uninhabitable for a period of time, a temporary building may be moved onto the lot for use as a temporary dwelling during replacement or repair of the permanent dwelling in accordance with building permits issued to the property owner, subject to the following:

- (1) Installation of the temporary dwelling shall be subject to approval of appropriate permits from the Building Official. A permit for a temporary dwelling shall not exceed one year.
- (2) The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to approved water supply and sanitary sewage disposal systems. Placement of the temporary dwelling must comply with all setback and lot coverage requirements for the applicable zoning district.

The proposed water supply and sanitary facilities must be inspected and approved by the Saginaw County Health Department or Buena Vista Charter Township.

- (3) The temporary dwelling shall be removed from the lot within 14 calendar days of the date of occupancy of the replaced or repaired dwelling, with the date of occupancy to be as listed on the certificate of occupancy.
- (4) The temporary dwelling shall be immediately removed from the lot upon expiration of permits associated with the replacement or reconstruction of the permanent dwelling, or if such work ceases for more than 30 calendar days, as determined by the Building Official.
- (5) A performance guarantee shall be provided to insure removal of the temporary dwelling, per Section 1202, Fees and Performance Guarantees. Said deposit shall be returned to the parcel owner only after the temporary dwelling has been moved from the parcel to a location where it can be placed legally.
- (6) The Zoning Administrator shall provide a written statement setting forth the conditions of permission granted under this Section to the residents so dislodged and shall retain a copy in his files.

## Section 507. Temporary Uses.

(A) **Transient and Amusement Enterprises.** The Township Board may permit circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, in any zoning district upon approval. Notwithstanding the above, the Board of Trustees may at their discretion require review and recommendation by the Planning Commission prior to making a decision.

- (1) The Township Board may permit such enterprises only on the finding that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare.
- (2) The Township Board may require posting of a performance guarantee, per Section 1202, Fees and Performance Guarantees, in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify

any adjoining land owners for any damage resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

(B) **Rummage, Garage, and Yard Sales**

- (1) **Duration.** No sale shall continue beyond three (3) consecutive calendar days, and only two (2) sales are allowed per calendar year for an individual parcel or lot.
- (2) No zoning permit shall be required for rummage, garage, or yard sales, but it is a violation of this Ordinance to exceed these time limitations.

**Section 508. Performance Standards.**

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

(A) **Purpose and Scope.** The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

- (1) **Scope.** No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.
- (2) **Submission of Additional Data.** Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.

(B) **Noise.** No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance.

- (1) **Noise Disturbance Examples.** Examples of noise disturbances include, but are not limited to:
  - (a) **Sounds that Exceed Ordinance Limits.** Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.
  - (b) **Loading and Unloading.** Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.
  - (c) **Construction.** Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across a residential district boundary or within a noise sensitive zone. This provision shall apply between the hours of 10:00 p.m.

and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.

(2) **Exceptions.** The provisions in this Section shall not apply to the following uses and circumstances:

(a) **Emergency Exceptions.** The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.

(b) **Additional Exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:

1. Snow plowing and other public works activities.
2. Animal and agricultural uses.
3. Church bells, chimes, and carillons.
4. Commercial lawn care and house maintenance that occurs between 7:00 a.m. and 9:00 p.m.
5. Licensed vehicles being operated on a road.
6. Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities, where necessary to preserve the public safety or welfare.
7. The reasonable use of stationary amplifiers or loudspeakers in the course of non-commercial public addresses or festivals.
8. Entertainment uses as permitted by the Township Board.

(3) **Maximum Permitted Sound Levels by Receiving Zoning District.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

Receiving Zoning District	Time	Average Sound Level
Residential Districts	7:00 a.m. to 10:00 p.m.	55 dB(A)
	10:00 p.m. to 7:00 a.m.	50 dB(A)
Non-Residential Districts	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

**Table Footnotes:**

- a) **Correction for Tonal Sounds.** For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- b) **Correction for Impulsive or Impact-type Sounds.** For any source of sound that emits an atypical impulsive or impact-type sound, the maximum sound level limits of

this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

- (C) **Vibration.** Operating of any device that creates vibration that is above the vibration threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.
- (D) **Surface Water Flow.** No site plan application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement.
- (E) **Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.** Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act, P.A. 451 of 1994, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.
- The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.
- (F) **Odor.** Odors shall not be allowed to escape into the atmosphere in concentrations that are a public health hazard on adjoining property, or which could be detrimental to human, plant, or animal life.
- (G) **Glare and Heat.** Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half ( $\frac{1}{2}$ ) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- (H) **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code, P.A. 207 of 1941, as amended.
- (1) **Storage Tanks.** All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall meeting the required State of Michigan standards for the product so enclosed. The floor of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks that hold propane or other fuel used for heating a dwelling or other building on the site.

Below ground bulk storage tanks that contain flammable material shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the State of Michigan in accordance with applicable state laws and regulations. The location and contents of all such tanks shall be indicated on the site plan.

- (2) **Detonable Materials.** The storage, utilization, or manufacture of the following detonable materials shall be subject Section 402 (N), Hazardous Materials Storage.
- (a) All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.
  - (b) All high explosives such as TNT, RDX, HMX, PETN, and picric acid.
  - (c) Propellants and components thereof such as dry nitrocellulose, boron hydrides, and hydrazine and its derivatives.
  - (d) Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
  - (e) Blasting explosives such as dynamite and nitroglycerin.
  - (f) Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
  - (g) Strong unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent.
  - (h) Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
  - (i) Exception: Black powder and smokeless powder use for sporting purposes and legally obtained shall be allowed up to a limit of 50 pounds.

(I) **Sewage Wastes and Water Pollution.** Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Saginaw County Health Department, and the U.S. Environmental Protection Agency.

(J) **Gases.** The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act, Public Act 451 of 1994, as amended, federal Clean Air Acts, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the *National Ambient Air Quality Standards*, unless a higher standard is imposed by a federal, state, county or local regulatory agency with jurisdiction:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 µg/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours

Gas	Maximum Emissions Level	Sampling Period
Beryllium	2.0 µg/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

**Table Footnotes:**

- a. ppm = parts per million
- b. µg = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

(K) **Electromagnetic Radiation and Radio Transmission.** Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

(L) **Radioactive Materials.** Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

(M) **Procedures for Determining Compliance.** In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

(1) **Official Investigation.** Upon receipt of evidence of possible violation, the Zoning Administrator or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

- (a) Plans of the existing or proposed facilities, including buildings and equipment.
- (b) A description of the existing or proposed machinery, processes, and products.
- (c) Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
- (d) Measurement of the amount or rate of emissions of materials purported to be in violation.



- (2) **Method and Cost of Determination.** The Zoning Administrator or designated Township consultant shall take measurements and complete the investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be made accurately using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and special equipment or instruments shall be secured to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

- (3) **Appropriate Remedies.** If, after appropriate investigation, the Zoning Administrator or designated Township consultant determines that a violation does exist, the Zoning Administrator shall provide written notice of the violation to the owners or operators of the facility deemed responsible, and shall request that the violation be corrected within a specified time limit.

(a) **Correction of Violation within Time Limit.** If the alleged violation is corrected within the specified time limit, the Zoning Administrator shall note, "violation corrected" on the Township's copy of the notice, which shall be retained on file.

(b) **Violation Not Corrected and No Reply from Owner or Operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Zoning Administrator shall take such action as may be warranted to correct the violation. in accordance with the regulations set forth in this Section.

(c) **Reply Requesting Time Extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Zoning Administrator may grant an extension upon determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.

(d) **Reply Requesting Technical Determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Zoning Administrator may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

- (4) **Costs and Penalties Incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation.

If the bill is not paid within 30 days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

## Section 509. Grade.

Grading regulations are established to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to assure protection of trees on sites where grading is to take place.

Any grading which changes site elevation by more than three (3) feet or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products shall not be permitted in any zoning district except in accordance with an approved site plan.

This regulation shall not apply to normal soil removal for basement, drain fields, or foundation work when land use permit has previously been duly issued by the Township, nor shall it be construed to prohibit site changes for farming purposes.

- (A) **Slope Away From Buildings.** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.
- (B) **Runoff Onto Adjacent Properties.** New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through dedicated drainage courses or easements.
- (C) **Stockpiling.** Stockpiling of soil, sand, clay, gravel and similar material shall be prohibited, except where permitted as part of an approved excavation operation, approved construction project, approved use in an industrial district or on a farm as defined in this ordinance. Aside from these exceptions, all material brought onto a site in Buena Vista Charter Township shall be graded to match the natural grade on adjoining parcels. These restrictions shall not be construed to prohibit MDEQ-monitored clean-up of contaminated soil.
- (D) **Removal of Soil, Clay, Gravel and Similar Material by a Commercial Operation.** Business engaged in the removal of soil, sand, clay, gravel, and similar materials excluding the moving, grading, or leveling of soil, sand, clay, gravel or similar materials on a site for the purposes of preparing the site for building construction or another permitted use shall comply with the regulations of this Ordinance including special land use and site plan approval.
- (E) **Prohibited Fill.** No fill material shall be placed in wetlands, floodplains, spillways or watercourses without appropriate federal, state, and local approvals. Fill material brought into the Township shall be free of contamination from hazardous substances, debris, junk or waste.
- (F) **Review, Inspection, and Approval Procedures.** The Township Engineer and Building Official shall review grading plans for approval. In the event that the grading plan is submitted in conjunction with a site plan submission, the Planning Commission shall review the grading plan as a part of normal site plan review. The Building Official shall issue a grading permit after a determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.

For residential properties, the Building Official may verify compliance with a grading plan and permit after a visual on-site inspection. The Township Engineer shall be responsible for verifying compliance with grading plans and permits for nonresidential sites or in cases the Building Official considers a review by the Township Engineer appropriate. Before final inspection and issuance of a certificate of occupancy, the final grading must be completed.

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## Section 510. Drainage

Surface drains, groundwater drains, and foundation or footing drains shall be connected whenever possible to an enclosed storm sewer. They shall not discharge to a sanitary sewer or private wastewater treatment plant, unless the building inspector has determined that it is not feasible to discharge such water into an open ditch and an enclosed stormwater drainage system is not available.

## Section 511. Floodplain Regulations.

- (A) **Intent.** Several state laws impact the development of environmentally sensitive land and require permits for development in areas under their jurisdiction. Permit processes associated with these laws supersede local land use regulations. Therefore, zoning administration *must* be coordinated with these laws. This section is intended to facilitate compliance with the Flood Plain Control Act of 1968, the Goemaere-Anderson Wetland Protection Act, the Inland Lakes and Streams Act, and the Soil Erosion and Sedimentation Control Act.
- (B) **Process.** One step in the review process for any zoning permit application is to determine whether any sensitive environmental areas will be impacted by the proposed project. The Zoning Administrator reviews the applicable floodplain maps to determine whether a proposed land use involves any sensitive areas. The applicant shall obtain approved permits from those government agencies having jurisdiction over floodplain development. No building permit or certificate of occupancy shall be issued until all other permits have been obtained and have been reviewed by the Zoning Administrator.
- (C) **Environmental Regulations.** The following identifies which actions, in which areas, are subject to special regulation under various state laws. It indicates which permit processes are to be followed, what maps are to be used to identify the areas of concern, and other pertinent information.
- (1) Floodplain Regulation Authority Act (P.A. 245 of 1968, as amended).
    - (a) Covers any fill or construction in a 100-year floodplain based on FEMA flood hazard boundary maps.
    - (b) Requires an application from the DNR and any other additional requirements of this Ordinance.
  - (2) Goemaere-Anderson Wetland Protection Act (P.A. 203 of 1979, as amended).
    - (a) Covers any dredging, filling, drainage or construction in a regulated wetland, or contiguous to a lake or stream based on the National Wetlands inventory or Michigan Resource Information Systems Maps.
    - (a) Requires an application from the DNR and any other additional requirements of this Ordinance.
  - (3) Inland Lakes and Stream Act (P.A. 346 of 1972, as amended).
    - (a) Any dredging, filling or construction; erect, maintain or operate any marina on any bottomland or banks of any lake or stream (DNR claims jurisdiction over County drains also). Create or alter any lake or stream on any lake or stream or within 500 feet based on the County drain maps.
    - (b) Requires a joint application from the DNR and the Zoning Administrator may allow upland construction to proceed, but only if no other environmental law is applicable.

- (4) Soil Erosion and Sedimentation Control Act (P.A. 347 of 1972, as amended).
  - (a) Any dredging, filling, grading, or construction in any lake or stream, or within 500 feet on the county drain map and construction that disturbs over 1 acre, anywhere, on any local map.
  - (b) Requires a soil erosion permit from Saginaw County Soil Conservation District.
- (5) Michigan Drain Code (P.A. 40 of 1958, as amended).
  - (a) Any dredging, filling, grading or culvert installation within the banks of any county drain on the county drain maps (open drains only) and any construction work within a drain easement on the county drain maps.
  - (b) Requires a Saginaw County Drain Commission permit and the zoning administrator may allow construction outside of the drain easement to proceed, but only if no other environmental law is applicable.
- (D) **Maps and Permit Forms.** The Zoning Administrator shall maintain a set of maps indicating the geographic extent of areas covered by the various laws identified in the table of environmental regulations. These shall be available for public inspection. Permits must be obtained from the Michigan Department of Natural Resources or the soil erosion and sedimentation control enforcement officer before a zoning permit may be issued for activities in such areas. The Zoning Administrator shall maintain a supply of application forms for said permits and provide copies of them to interested persons.
- (E) **Provisions for Flood Hazard Areas.** Flood hazard areas are divided into areas known as the floodway and floodway fringe by the flood insurance study for Buena Vista Charter Township. Elevations of the 100- and 500-year floods for various township locations are identified by this study, issued in 1984 by the Federal Emergency Management Agency as may be updated by reference to the State Coordinator, National Flood Insurance Program, Water Management Division, and the Michigan Department of Natural Resources.
  - (1) **Current uses continue.** Land uses in existence before the effective date of this ordinance may continue in floodway or floodway fringe areas.
  - (2) **New use limitations in floodway.** Structures proposed for location in floodways must first obtain a state permit. They shall not be designed for human occupancy and shall have no, or a very low, flood damage potential. Storage of material or equipment in floodway areas is allowed only if same is readily removable upon flood warning.
  - (3) **Use limitations in floodway fringe.** Structures proposed for location in the floodway fringe must first obtain a state permit.
    - (a) **Fill or storage.** Nonstructural uses shall not unduly restrict the capacity of tributaries, drainage ditches, or other drainage facilities.
    - (b) **Structures to be elevated.** Structures located in the flood way fringe must be so constructed that the bottom of the lowest structural member supporting the lowest floor of the structure, or of any mechanical or electrical equipment (including duct insulation that may be subject to water damage) must be located above the base flood elevation. The actual elevation of said structural items shall be certified by an architect or engineer licensed to practice in Michigan, and a record of this certification shall be maintained by the township and filed with the building permit which authorized the structure.

- (c) **Structures parallel to flood flow.** Permitted structures shall be erected so as to offer their longitudinal axis parallel to the direction of flood flow and placed approximately on the same flood flow line as adjoining structures.
- (d) **Embankments for homes.** Residential buildings must be placed on fill embankments which extend at or above the 100-year flood elevation for at least 15 feet on all sides of the building.
- (e) **Floodproofing for certain structures.** If there are compelling reasons why a nonresidential structure cannot be built to comply with the preceding paragraphs, it still may be permitted if a civil engineer licensed to practice in Michigan certifies that it will be "floodproof." That is, it must be of watertight construction and capable of resisting hydrostatic and hydrodynamic pressures that would be exerted by floodwaters of a 500-year flood at said location.
- (f) **Provisions for wetland.** During the review of any zoning permit application, if the Zoning Administrator determines that the proposed activity will impact regulated wetlands, he or she will provide the applicant with a copy of the DNR joint permit application form and assist with filling it in. Michigan Department of Natural Resources personnel will determine whether the Department actually has jurisdiction over the area in question. Further review of the zoning permit application may proceed, with any approvals conditioned upon receipt of a wetlands permit or waiver of DNR jurisdiction.

## Chapter 6 PARKING AND LOADING

### Section 601. Intent.

This section is intended to balance the need for efficient performance of streets with the need for efficient use of land. It is intended to ensure provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of daily parking needs associated with the land uses permitted by this Ordinance. It also seeks to prevent adverse environmental impacts of large paved areas.

### Section 602. Scope.

Compliance with the regulations of this Article shall be required in all districts for all buildings and uses established after the effective date of this Ordinance; any structure is erected, enlarged, or increased in capacity; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means. Parking spaces shall be provided in accordance with the provisions of this Chapter, subject to approval per Section 1101 Site Plan Review.

### Section 603. General Standards.

The following general standards shall apply to all off-street parking and loading facilities:

- (A) **Location of Spaces.** Off-street parking spaces shall be located on the site of which such spaces are accessory, unless approved otherwise by the Planning Commission. Off-street parking facilities may be located within required yard setbacks, subject to provision of adequate screening per Chapter 7, Landscaping, Screening and Exterior Lighting.
- (B) **Use.** Any area once designated as required off-street parking, stacking, or loading space shall not be changed to any other use, unless adequate spaces meeting the standards of this Chapter have first been provided at another location acceptable to the Planning Commission. Use of off-street parking, stacking, and loading facilities shall be further subject to the following:
  - (1) No commercial activity or selling of any kind shall be conducted within required parking lots or areas, except as part of an approved temporary use.
  - (2) Parking lots and loading areas shall not be used for dumping of refuse, parking or storage of inoperable vehicles, repairs, servicing or display of vehicles for sale outside storage of any equipment, products or materials, except where permitted and approved by the Township.
  - (3) Except when land is used as permitted storage space in direct connection with a legitimate business, a 48-hour time limit for parking in nonresidential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, unlicensed, or junked vehicles in any parking area in any district for any period of time.
  - (4) No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of that property. As part of site plan review, ownership shall be shown of all lots intended for use as parking by the applicant.

**Section 604. Residential Parking Standards.**

Off-street parking spaces for single-family and two-family (duplex) dwellings shall consist of an accessory driveway, garage, parking strip or bay, or combination thereof, subject to the following:

- (A) **Parking Spaces.** Parking spaces for dwelling units may be provided in garages, carports, or parking areas, or combinations thereof, and shall be located on the same zoning lot as the principal dwelling.
- (B) **No Parking.** No portion of a required front yard may be used for parking.
- (C) **Commercial Vehicle Parking in Residential Districts.** Parking of motor vehicles shall be limited to passenger vehicles and not more than one (1) commercial vehicle with a rated capacity of five (5) tons or less per dwelling unit. The commercial vehicle shall be owned or operated by a resident of the premises, and not be parked or stored in front of the building or a minimum of 100 feet from the road right-of-way whichever is less, of any lot in a residential district. Landscaping, topographic barriers, screening walls or fences, or a combination shall be provided to screen view of the vehicle from off-site.
- (D) **Recreational Vehicle Parking in Residential Districts.** Recreational vehicles as defined in Section 202 including campers and other recreational equipment, may be parked or stored by the owner on residentially-used or zoned property subject to the following conditions:
  - (1) **Connection to Utilities.** Recreational vehicles parked or stored shall not be connected to water, gas, or sanitary sewer facilities.
  - (2) **Use as Living Quarters.** At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.
  - (3) **Location.** Recreational vehicles parked or stored outside of a building shall comply with the required setbacks for accessory structures and lot coverage limits for the district in which they are located.
  - (4) **Not in Front.** Recreation vehicles and equipment not parked in an enclosed structure shall not be parked in front of the principal building.
  - (5) **Temporary Parking.** Notwithstanding the above provisions concerning 'Location', recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle within a seven day period.
  - (6) **Limitation.** No more than two recreational vehicles including boats and personal watercraft shall be parked on a residential lot or parcel.
  - (7) **Condition.** Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit.
  - (8) **Storage of Mobile Homes.** The parking or storage of an unoccupied mobile home as defined in Section 202, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted under Section 506 or in the MH, Mobile Home Park District in compliance with the Manufactured Housing Commission Rules.

- (9) **Waiver of Regulations.** The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the Zoning Administrator. No more than two permits shall be issued for each activity (repair, storage of guest vehicle) per calendar year.
- (10) **Multiple Family Complexes.** The Planning Commission may require that a screened storage area be provided on the site of a multiple family complex.
- (11) **Size of Space.** Any parking spaces designed for use by recreational vehicles shall be no less than 12 feet in width and 50 feet in length.

**Section 605. Table of Off-Street Parking Requirements.**

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

- (A) **Uses Not Cited.** Where a use is not specifically mentioned in this Article, the Zoning Administrator shall apply the standards for a similar listed use.
- (B) **Fractional Spaces.** Where calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and any fraction over one-half (1/2) shall be rounded-up to the next highest whole number.
- (C) **Definition of Floor Area.** For the purposes of determining the required number of parking spaces, floor area shall be measured in accordance with the definitions in Chapter 2. For those uses for which the usable floor area is unknown, 80 percent of the gross floor area shall be considered to be the amount of usable floor area.
- (D) **Use of Loading Space.** Required loading space shall not be counted or used for required parking.
- (E) **Schedule of Required Parking by Use.**

Use	Number of Minimum Parking Spaces per Unit of Measure
<b>RESIDENTIAL USES</b>	
Residential: single family and two-family <sup>1</sup>	2 per dwelling unit.
Residential: multiple-family, townhouses	2 per dwelling unit.
Senior Housing	1 per dwelling unit, PLUS 1 per on-duty employee based upon maximum employment shift.
Manufactured Housing Park	2 per dwelling unit.
Family and Group Day Care Home	2 per dwelling unit, plus 1 per non-residential employee, plus adequate area for pick-up and drop-off of children.
Convalescent and/or Nursing Homes, and Assisted Living Facilities	1 per 2 rooms or 5 beds, PLUS 1 space per on-duty employee based on maximum employment shift.
<b>INSTITUTIONAL USES</b>	
Fraternity or sorority	1 per 5 active resident-members, or 1 per 2 beds, whichever is greater.



Use	Number of Minimum Parking Spaces per Unit of Measure
Hospital	1 per 2 beds, PLUS 1 per on-duty employee based on maximum employment shift.
Libraries, Museums, Non-Commercial Art Galleries, Cultural Center and Similar Facilities	1 per 1,000 sq ft of usable floor area, PLUS 1 per on-duty employee based on maximum employment shift.
Churches, Temples or Synagogues, Places of Worship	1 per three (3) seats or 6 feet of pews or benches in the main unit of worship, PLUS any required spaces for permitted accessory or associated uses (school, day care center, etc.).
Child Care Centers or Nursery Schools	1 per six (6) children at maximum authorized or licensed capacity, PLUS sufficient area for pick-up/drop-off of children in a safe manner that will not result in traffic disruption.
Adult foster care group homes and adult congregate care facilities.	1 per four (4) clients, plus one (1) space per each employee, plus designated drop-off spaces.
Post Office	1 per 50 sq ft of lobby area, PLUS 1 per employee based on maximum employment shift.
Public Utility Uses	1 per on-duty employee based on maximum employment shift.
Schools: Elementary and Junior High	1 per on-duty employee based on maximum employment shift, PLUS any required spaces for an auditorium or other assembly space, and sufficient area for pick-up/drop-off of children in a safe manner that will not result in traffic disruption.
Schools: Senior High	1 per employee based on maximum employment shift, PLUS 1 space per 8 students and any required spaces for an auditorium or other assembly space.
School: Vocational, Technical, and Post-Secondary Educational Facilities	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
<b>RECREATIONAL USES</b>	
Arcade	1 per amusement station or video game, PLUS 1 space per employee based on maximum employment shift.
Athletic clubs, exercise establishments, health studios, sauna baths, judo clubs and other similar uses	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, PLUS 1 space per employee based on maximum employment shift.
Boat Launch	10 per ramp (10 ft x 45 ft for car and trailer)
Bowling Alleys	4 per bowling lane, PLUS any required spaces for permitted accessory or associated uses (restaurants, bars, etc.).
Fishing site	1 per 20 feet of dock or waterfront, whichever is greater
Golf courses, Private or Public	6 per golf hole, PLUS 1 space per employee based on maximum employment shift, and any required spaces for permitted accessory or associated uses (restaurants, bars, etc.).
Golf courses, Miniature and Par 3	3 per golf hole, PLUS 1 space per employee based on maximum employment shift.

Use	Number of Minimum Parking Spaces per Unit of Measure
Golf, Driving Range <sup>1</sup>	1 per tee, PLUS 1 per employee based on maximum employment shift.
Gun Club	4 per range, skeet or trap house
Ice skating or roller rink	1 per 200 sq ft of skating area or 1 space per 3 seats or 6 feet of benches in any spectator area, whichever is greater, PLUS any required spaces for permitted accessory or associated uses (restaurants, retail stores, etc.).
Private Clubs or Lodge Halls	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
Softball, Baseball Fields	25 per playing field.
Stadium, Sports Arena or similar place of outdoor assembly	1 per 3 seats or 10 feet of benches, whichever is greater, PLUS 1 space per employee based on maximum employment shift.
Swimming Pools or Swimming Clubs	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, PLUS 1 per employee based on maximum employment shift.
Tennis Clubs and Court-Type Recreation Uses <sup>1</sup>	1 per person permitted based on the maximum capacity of the courts, PLUS 1 per employee based on maximum employment shift.
Theaters, Auditoriums, Exhibition Halls, or Assembly Halls with Fixed Seating	1 per 3 seats, PLUS 1 per employee based on maximum employment shift.
Theaters and Auditoriums without Fixed Seating	1 per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, PLUS 1 per employee based on maximum employment shift.
<b>COMMERCIAL USES</b>	
Automobile Service Station or Automobile Filling Stations	1 per on-duty employee based upon maximum employment shift, PLUS 1 per fueling location, PLUS 2 spaces per service or repair bay, PLUS any required spaces for permitted accessory or associated uses (restaurants, convenience stores, etc.).
Automobile Major Repair Facilities	1 per employee based on maximum employment shift, PLUS 2 spaces per service or repair bay.
Automobile Minor Repair /Maintenance Facilities	1 per employee based on maximum employment shift, PLUS 3 stacking spaces per service bay
Automobile Wash (automatic)	1 per employee based on maximum employment shift, PLUS 6 stacking spaces per automatic wash operation or line. A 30-foot long drying space shall also be provided at the exit of each washing line to prevent undue amounts of water from collecting on the public street and creating a traffic hazard.
Automobile Wash (self-service or coin-operated)	1 per employee based on maximum employment shift, PLUS 3 stacking spaces and 1 drying space per washing stall.

<b>Use</b>	<b>Number of Minimum Parking Spaces per Unit of Measure</b>
Banks and Financial Institutions	1 per 200 sq ft of usable floor area, PLUS 5 stacking spaces per drive-through service window or station PLUS 2 spaces per 24 hour teller.
Beauty Parlor or Barber Shop	3 per the first 2 beauty or barber chairs, and 1.5 spaces per additional chair.
Business or Professional Offices, Not Otherwise Specified.	1 per 300 sq ft of usable floor area. In no case shall provided parking be less than 3 spaces.
Contractor or Construction Use Office	1 per employee based on maximum employment shift.
Furniture, Carpet, Appliance, Household Equipment Stores	1½ per 1,000 sq. feet of useable floor area.
Laundromats and Coin Operated Dry Cleaners	1 per 4 washing or drying machines, PLUS 1 space per on-site employee based on maximum employment shift.
Mini Warehouses, Self-Storage Establishments	1 per 10 storage units distributed throughout the storage area, PLUS 1 per 250 sq ft of usable floor area in the office building, and required spaces for any accessory manager or caretaker's dwelling.
Mortuaries, Funeral Homes	1 per 50 sq ft of GFA in the viewing rooms, parlors, chapels or assembly areas, PLUS a minimum of 10 stacking spaces.
Motel, Hotel, or Other Commercial Lodging Establishments	1 per occupancy unit, PLUS 1 space per on-site employee based on maximum employment shift, and any required spaces for permitted accessory or associated uses (restaurants, bars, assembly rooms, etc.).
Motor Vehicle Sales or Rental – Indoor Showroom	1 per 400 sq ft of sales room floor area, PLUS 1 space per employee based on maximum employment shift, and any required spaces for permitted accessory or associated uses (automobile service or repairs, outdoor sales or display areas, etc.).
Motor Vehicle Sales or Rental - Outdoor Sales or Display Area	1 per 1,000 sq ft of outdoor sales or display area.
Open Air Business, Roadside Stand	1 per 200 sq. ft. of land area being used for display, PLUS any required spaces for permitted accessory or associated uses.
Professional Offices and Clinics of Doctors, Chiropractors, Dentists and Similar Professions	1 per 300 sq ft of usable floor area, PLUS 1 space per employee based on maximum employment shift.
Service Establishments, not Otherwise Specified, including Household Equipment Repair Shops	1 per 300 sq ft of usable floor area PLUS 1 per employee based on maximum employment shift.
Radio or Television Station or Studio	1 per employee based on maximum employment shift, PLUS any required spaces for an auditorium or public seating space within a studio.
Restaurant, Bar/Lounge	1 per 50 sq ft of usable floor area. Parking for that portion used principally for dining shall be based on the requirements for "Restaurants, Standard".
Restaurant, Drive-in restaurant	1 per 30 sq. ft. of usable floor area, PLUS 1 space per employee based on maximum employment shift.

Use	Number of Minimum Parking Spaces per Unit of Measure
Restaurant, Accessory drive-through facilities or lanes	7 stacking spaces per window, PLUS a bypass lane and any required spaces for the restaurant to which the drive-through is accessory.
Restaurant, Carry-out	1 per 100 sq ft of usable floor area, PLUS 1 space per employee based on maximum employment shift.
Restaurant, Standard	1 per 3 seats, based upon the maximum seating capacity, PLUS 1 space per employee based on maximum employment shift.
Retail Stores except as otherwise specified herein	1 per 250 sq ft of usable floor area.
Shopping Center or Mall	1 per 250 sq ft of usable floor area.
Supermarkets	1 per 200 sq ft of usable floor area.
Veterinary Clinic	1 per 150 sq ft of usable floor area.
Wholesale Sales Store such as Furniture Sales; Appliance Sales; Machinery Sales; Showroom of a Plumber, Electrician, or Similar Trade	1 per 500 sq ft of usable floor area, PLUS 1 per employee based on maximum employment shift.
<b>INDUSTRIAL, RESEARCH USES</b>	
General Manufacturing Establishments	1 per 650 sq ft of gross floor area, PLUS 1 per 350 sq ft of office space and other accessory uses.
Light Industrial Manufacturing	1 per 500 sq ft of gross floor area PLUS 1 per 350 sq ft of office space and other accessory uses.
Research and Development	1 per 350 sq ft of gross floor area PLUS 1 per 350 sq ft of office space and other accessory uses.
Outdoor Storage, General Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses and Similar Items.	1½ per on-duty employee based upon maximum employment shift, plus one (1) per 300 sq ft of usable floor area for any offices or other accessory uses.
Warehouses and Wholesale Establishments	1 per 1,500 sq ft of gross floor area or 1 per on-duty employee based upon maximum employment shift, whichever is greater, PLUS any required spaces for accessory office, sales, display or other uses.
<b>OTHER USES</b>	
Composting Centers and Support Facilities	1½ per on-duty employee based upon maximum employment shift, plus 1 per 300 sq ft of usable floor area for any offices or other accessory uses.
Racetracks	1 per 4,000 sq ft of gross land area occupied by the use, or 1 per 3 persons allowed within the maximum occupancy load that the facilities are designed to accommodate.

<sup>1</sup> Parking spaces may be gravel surface. See Section 607(C).

**Section 606. Modification of Standards.**

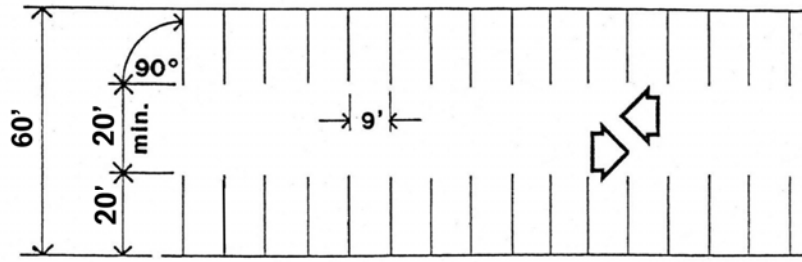
- (A) **Reductions in Parking Requirements.** Parking requirements may be reduced in the following situations:
- (1) **Mixed uses.** In the case of mixed uses which each occupy 20 percent or more of the floor area of a building, and the operating schedules of any two such uses overlap for no more than six hours in a typical day, the parking requirement for the building, as determined using the table, may be reduced by 10 percent.
  - (2) **Joint provision of off-street parking.** Where two or more abutting parcels in any TC, B or M zoning district provide paved drives and sidewalks between parking areas, allowing travel between parcels without use of a public street, the number of parking spaces required for each parcel may be reduced by 10 percent, in addition to reductions allowed by other provisions of this section.
- (B) **Reductions for Further Public Benefits.** Subject to review and approval of the Planning Commission, in any TC, B or M zoning district, the parking requirement for a parcel fronting on a county primary or state highway, other than an expressway, may be reduced by up to 10 percent, in addition to other reductions allowed by this section, if any three of the following conditions are met:
- (1) No driveways open onto the major road.
  - (2) There are no freestanding signs in the front yard setback area.
  - (3) At least 25 percent of the parcel is devoted to natural woodlands, wetlands or landscape plantings.
  - (4) Sidewalks, including barrier-free curb cuts, are provided along the full length of all road frontages on the parcel, with at least one walkway connection between any such frontage and the building's main entrance.
  - (5) A service drive is provided along the entire major road frontage, and connects to parking areas on adjoining properties. Access to this drive from any public street may not be located within 200 feet of any intersection, unless said access is configured as a fourth leg of a "T" intersection.
- (C) **Deferment of Parking Spaces.** Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space. Deferred parking spaces shall be constructed in accordance with the approved site plan upon written request by the Township after three incidents of problem parking on the site have been documented by the Township Enforcement Officer.
- (D) **Shared Parking.** Nothing in this Section shall be construed to prevent collective provision of off-street parking or loading facilities for two (2) or more buildings or uses, provided that such facilities shall not be less than the sum of the individual requirements for the various uses computed separately.

**Section 607. Design Standards.**

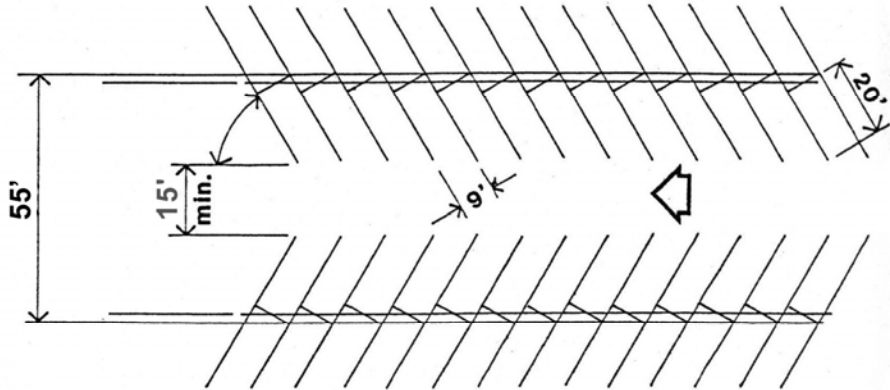
(A) **Parking Dimensions.** Off-street parking shall be designed in conformance with the following minimum standards and Parking Layouts Illustration:

Parking Pattern (degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Width of Maneuvering Lane Plus Two Rows
0° (parallel)	20 feet (two-way)	8 feet	24 feet	36 feet
30° to 53°	12 feet (one-way)	9 feet	20 feet	52 feet
54° to 74°	15 feet (one-way)	9 feet	20 feet	55 feet
75° to 90°	20 feet (two-way)	9 feet	20 feet	60 feet

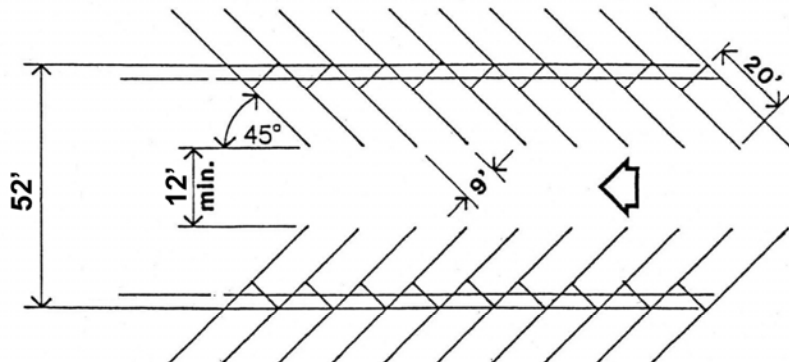
75 to 90  
degree



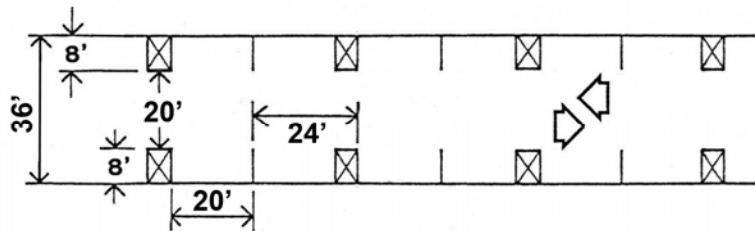
54 to 74  
degree



30 to 53  
degree



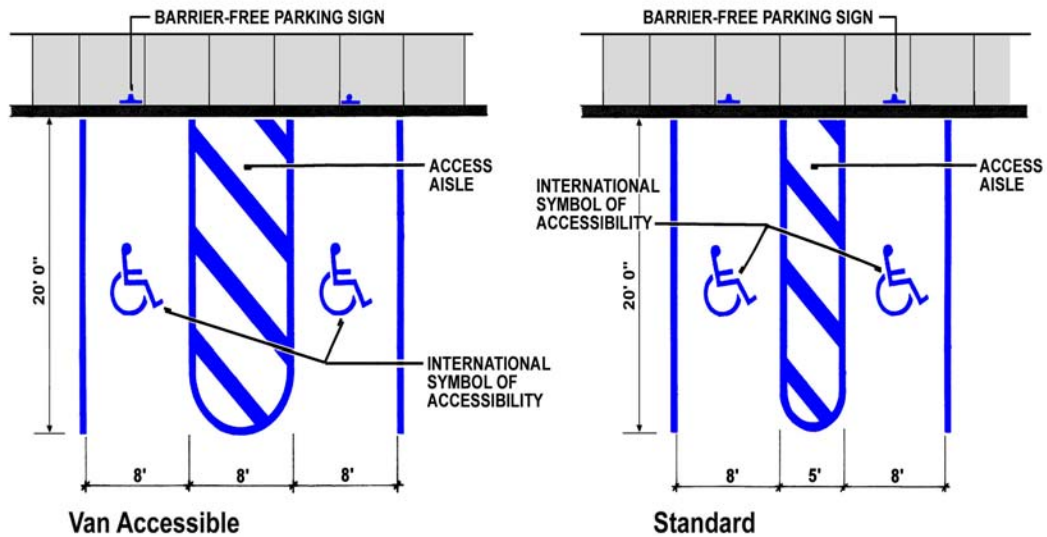
parallel



## Parking Layouts

- (B) **Handicapped Spaces.** Handicapped parking spaces shall be signed and striped and provide curb cuts, ramps, or other necessary devices and shall be provided at conveniently accessible locations within each parking lot, in accordance with the following standards:

Number of Parking Spaces Provided	Van Accessible Parking Spaces Required	Other Accessible Parking Spaces Required	Total Minimum Number of Barrier-Free Spaces Required
Up to 25	1	0	1
26 to 50	1	1	2
51 to 75	1	2	3
76 to 100	1	3	4
101 to 150	1	4	5
151 to 200	1	5	6
201 to 300	1	6	7
301 to 400	1	7	8
401 to 500	2	7	9
501 to 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces	2% of total parking provided in each lot
1,001 and over	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces	20 plus 1 per 100 spaces over 1,000



## Barrier-Free Parking Space Layout



- (C) **Surface.**
- (1) **Gravel.** Where the table of off-street parking requirements allows parking areas to be gravel surfaced, this surface shall be of a material that provides a durable, smooth and dustless parking lot which is graded to properly drain and dispose of storm water.
  - (2) **Pavement.** Except as expressly permitted above, all off-street parking areas, access lanes, driveways and other vehicle maneuvering area shall be hard surfaced with concrete for plant-mixed bituminous material. This pavement shall comply with the Township engineering standards and all other applicable requirements.
  - (3) **Mix of surface types.** For some combinations of uses, the table of off-street parking requirements may specify both gravel and paved spaces. If some gravel surfaced spaces are to be built, they must be constructed as a separate parking lot, located farther from the principal building than any paved spaces. Access to the gravel lot may be only from the paved lot, not from any public street. If all spaces are paved, the total number of spaces may be reduced by up to ten percent.
  - (4) **Curbs, bumper blocks.** A curb at least six (6) inches in height shall be installed to present motor vehicles from being driven or parking so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, streets, building, or adjoining property. In lieu of a curb, bumper blocks may be provided to prevent vehicles from extending over sidewalks, setback lines, or lot lines. If parking abuts a sidewalk, the sidewalk shall be a minimum of seven feet wide.
- (D) **Drainage.** Off-street parking areas, access lanes and driveways shall be graded and drained so as to dispose of surface water. Storm water collection, drainage, retention and outfall structures shall be installed for all off-street parking areas in compliance with the specifications of the Saginaw County Road Commission and the Saginaw County Drain Commissioner.
- (E) **Lighting.** Off-street parking areas shall be provided with sufficient lighting to provide safety for the users.
- (F) **Setbacks.** Parking lots shall be set back at least 20 feet from any public street and set back a minimum of 10 feet from all other lot boundaries. Parking areas shall be no closer than ten feet to any building, 20 feet to a fire hydrant or natural gas shutoff valve, or 50 feet to any above-ground fuel storage tank.
- (G) **Screening.** Any parking area larger than ten spaces shall be screened and landscaped in accordance with Chapter 7, Landscaping, Screening and Exterior Lighting.
- (H) **Ingress and Egress.** Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited. Driveways and aisles for any off-street parking area shall comply with the following requirements:
- (1) **Aisle length.** Drive aisles in off-street parking lots shall not exceed 200 feet in length without a break in circulation.
  - (2) **Driveway configuration.** Each driveway shall meet the requirements of the road agency having jurisdiction. Notwithstanding the above, all lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall intersect the abutting street at a 90-degree angle.

- (3) **Stacking Spaces.** Stacking spaces for drive-through facilities shall be 10 feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot. The Planning Commission may modify these dimensions based on the characteristics of the proposed use.

**Section 608. Construction.**

- (A) **Permit.** A building permit is required for construction of any parking lot. Proof of any necessary permits from all agencies with jurisdiction shall be provided to the Township.
- (B) **Parking Lot Plan Requirements.** Plans for parking lots shall indicate existing and proposed grades, drainage, surfacing and base materials, and the proposed parking layout.
- (C) **Performance Guarantee.** In the event that required paving cannot be completed because of cold or inclement weather, the Township may require submittal of a performance guarantee to ensure completion per Section 1202, Fees and Performance Guarantees.

**Section 609. Maintenance.**

All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.

**Section 610. Off-Street Loading.**

This section is intended to provide adequate access for commercial vehicles to major generators of truck traffic and minimize traffic interference caused by trucks parked for loading or unloading. Compliance with this regulation shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks and other public areas

(A) **General Standards.**

- (1) **Dimensions of loading space.** Each loading space shall be at least 10 feet wide and 30 feet long. If roofed, it shall have at least 15 feet of vertical clearance. Where it is expected that semi-trucks will make daily deliveries, the loading space(s) shall be at least 60 feet long.
- (2) **Hard surface.** Loading spaces must be paved with a surface providing the equivalent load strength of nine inches of concrete.
- (3) **Location and setbacks.** A loading space must be located within or adjacent to the building it serves and arranged so that trucks entering or using the space do not block any portion of a public street or alley. Loading spaces must conform to setbacks for accessory structures for the applicable zoning district. No part of a required front yard shall be occupied by such loading space.

(B) **Use Standards.** These requirements are intended to insure long-range usefulness of structures.

- (1) **Multifamily residential.** For any dwelling units that are not entered directly from the outside, one loading space, must be supplied, with barrier free access to any hallway or elevator.
- (2) **Office.** Any office building taller than one story shall include one loading space.
- (3) **Commercial, wholesale, warehouse or industrial.** Each such use shall be required to provide a minimum number of loading spaces as follows:

Gross Floor Area	Number of Loading Spaces
0 – 4,999 sq. ft.	See note 1
5,000 – 19,999 sq. ft.	1 space
20,000 – 99,999 sq. ft.	1 space + 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 – 499,999 sq. ft.	5 spaces + 1 space for each 50,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	13 spaces + 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

**Note:**

- Establishments containing less than 5,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a 12 ft. by 60 ft. space in the event that the use of the property changes.

- (C) **Modification of Loading Space Requirements.** The Planning Commission may modify or waive the requirements for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide. Similarly, the Planning Commission, upon determination that the modified size and number are appropriate for the use, may modify the size of loading spaces and the number of spaces for a use.

## **Chapter 7**

# **LANDSCAPING, SCREENING, AND EXTERIOR LIGHTING**

### **Section 701. Purpose.**

Screening and landscaping buffers are necessary for the protection and enhancement of the environment, and to ensure reasonable compatibility between land uses of differing intensity or impacts. Appropriate screening and buffering enhances the visual environment; protects property values; mitigates the impact of noise, traffic, and more intensive land uses; and minimizes visual impacts of parking lots, loading areas and storage areas. Provisions for screening and buffering contribute to a healthy development pattern, and increase the level of privacy for residential uses in the Township.

The purposes of this Chapter are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for the screening of uses of a significantly different scale or character, buffering of parking lots, storage areas and similar activities from road rights-of-way and adjacent lots, and protection of residential uses that abut non-residential zoning districts.

It is the intent of this Chapter that required landscaping and screening elements shall be immediately effective in achieving the purposes of this Chapter, and shall maintain that effectiveness as the plant materials mature. Where existing sites have been developed without adequate landscaping or screening, the purposes of this Chapter shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of the proposed building improvements, expansion, or other site improvements.

### **Section 702. Scope.**

Every property owner and developer shall be responsible for ensuring that the use of a zoning lot in the Township does not adversely impact adjacent properties. The standards of this Chapter shall be considered the minimum necessary to achieve the purposes of this Chapter and Ordinance, and shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject to approval per Section 1101, Site Plan Review except individual single-family residential uses.

### **Section 703. Minimum Requirements.**

The requirements in this Chapter are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping or screening.

### **Section 704. General Standards.**

#### **(A) Plant Material Standards.**

(1) **General.** The following shall apply to all plant materials:

- (a) All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack.
- (b) Artificial plant material shall be prohibited within required landscaping and screening areas.

- (c) Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
- (2) **Mulch.** Planting beds shall present a finished appearance, with shredded hardwood bark mulch or similar natural material at a minimum depth of three inches. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
- (3) **Topsoil.** A minimum four inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

(B) **Landscaping Adjacent to Road.** Where required, landscaping adjacent to roads shall comply with the following planting requirements.

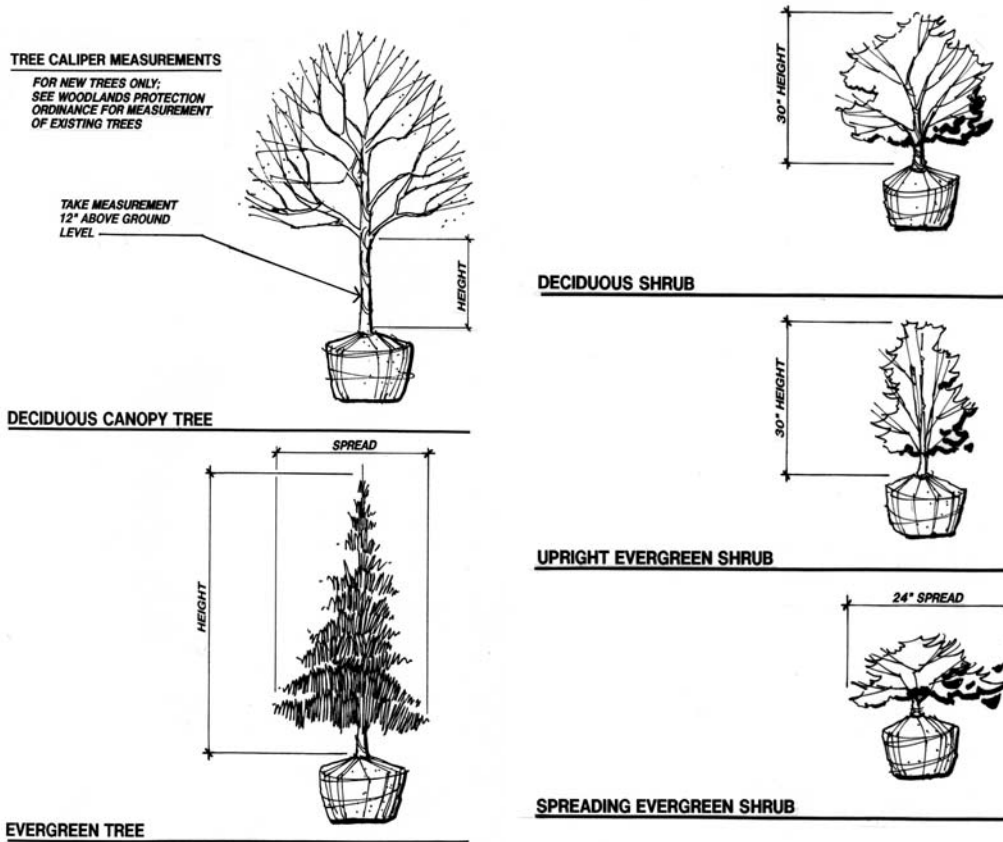
Type	Requirements
Deciduous or Evergreen Trees	1 per 40 ft of road frontage
Ornamental Trees	1 per 100 ft of road frontage
Shrubs	8 per 40 ft of road frontage

For the purpose of computing road frontage, openings for driveways shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

(C) **Standards for Size and Variety of Plant Materials.** To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than 30 percent of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2½ caliper-inches diameter
Evergreen Trees	6.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter if single trunk; or 6 feet overall height if multi-trunk.
Shrubs	30 inches in height or 24 inches in spread

(D) **Irrigation.** The site plan shall indicate the proposed method of watering all landscaped areas. Although not required, installation of an in-ground irrigation sprinkler system is encouraged, especially in front yards.



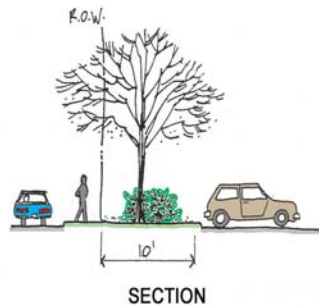
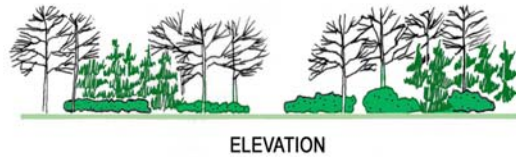
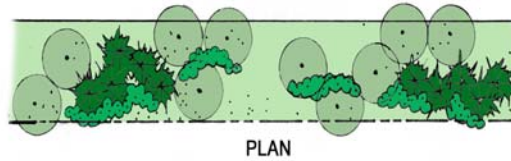
## Minimum Plant Sizes

### Section 705. Methods of Screening.

Screening and buffering elements shall satisfy the purposes of this Chapter, and shall be accomplished by any one of the following methods, or any combination of these methods that the Planning Commission determines to be best suited for the site conditions:

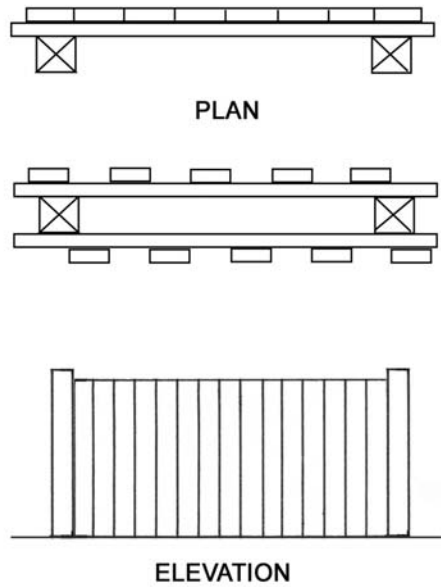
- (A) **Greenbelt.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration):
  - (1) Greenbelts shall have a minimum width of 10 feet.
  - (2) Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the greenbelt.

- (3) A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer per the requirements of Section 704(C) along a property line or road frontage.



### Greenbelt Buffer

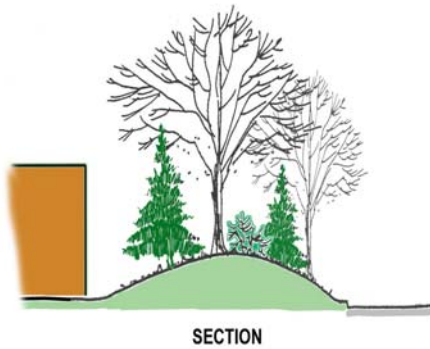
- (B) **Fence.** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. This method shall consist of a solid ornamental, rail or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration):
- (1) Required fences shall not exceed six feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.
  - (2) The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.
  - (3) It is required that the fence obstruct and prevent observation of the activities, materials and area to be screened.
  - (4) All fences shall have a finished side facing the adjacent lot(s).



### Fence

- (C) **Berm.** The purpose of this method is to effectively screen or buffer visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas of a site. Berms shall meet the following standards (see illustration):
- (1) Berms shall have side slopes no steeper than three feet horizontal to one foot vertical (3:1 ratio).
  - (2) Berms shall have a minimum height of three feet. Overall berm height shall be adequate for the intended screening function.
  - (3) The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
  - (4) The berm shall be designed and graded to blend with existing topography and shall be appropriately sodded, hydro-seeded, or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the berm.
  - (5) Trees and other plant material shall be planted on the berm, per Section 705(A), Greenbelt and may be used to increase the effective height of the screening provided.





SECTION



PLAN



ELEVATION



SECTION

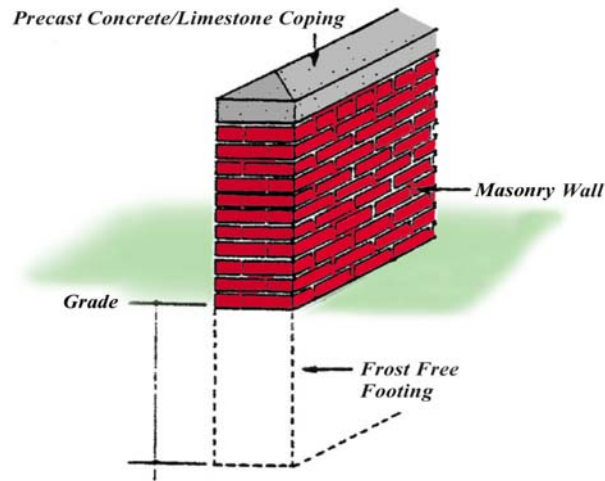
### Berm

### Evergreen Screen

- (D) **Evergreen Screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Chapter. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to block noise and light, or to separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two staggered rows (see illustration).

- (E) **Screen Wall.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration):
- (1) Screen walls shall not exceed six feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
  - (2) Walls shall be solid, obscuring masonry, and capped with a stone or concrete cap.
  - (3) Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.



**Screen Wall**

**Section 706. Standards for Specific Areas.**

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purposes of this Chapter:

- (A) **Parking Lot Landscaping and Screening.** Off-street parking lots shall be subject to the following:
  - (1) **Perimeter screening.** Parking lots shall be screened from view of all abutting residential districts and road rights-of-way in accordance with Section 705, Methods of Screening.
  - (2) **Snow storage area.** Adequate snow storage area shall be provided within the site. Plant materials within the snow storage area shall be hardy, salt-tolerant species characterized by low maintenance requirements.
  - (3) **Landscaping within parking lots.** The Planning Commission may require installation of planting islands within parking lots to define egress/ingress points, interior circulation system, and fire lanes. The planting islands shall be subject to the following:
    - (a) Planting islands shall have a minimum width of 10 feet, and a minimum area of 160 square feet.
    - (b) Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission.
- (B) **Storage and Service Area Screening.** Loading areas, storage areas and service areas, outdoor trash storage areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from view from road rights-of-way and adjacent uses in accordance with Section 705, Methods of Screening.

- (C) **Detention and Retention Basin Landscaping.** Where a detention or retention basin, or similar stormwater management facility is required, it shall comply with the following:
- (1) To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
  - (2) Basins shall be designed to avoid the need for perimeter fencing. Where fencing is necessary, the location and design shall be subject to Planning Commission approval.
  - (3) Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
    - (a) Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
    - (b) Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

**Section 707. Prohibited Plant Materials.**

The following trees are not considered desirable plant materials and shall not be used in required screening or as required landscaping except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

Species	Common Name
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; nut bearing variety
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Acer saccharinum	Silver Maple
Fraxinus x	Ash, except varieties that are resistant to Ash Borer infestation

**Section 708. Installation.**

All landscaping shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

- (A) **Deadline for Installation.** Installation of required screening elements and plant materials shall be completed within 365 calendar days from the date of construction permit issuance for the project.
- (B) **Extension.** The Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.

**Section 709. Maintenance.**

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

- (1) Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one year.
- (2) All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
- (3) The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.
- (4) Dead or diseased plant materials shall be replaced annually or in the next appropriate planting season.
- (5) Adequate provisions shall be made to supply water to all required plant materials as necessary to ensure proper growth and development.

**Section 710. Treatment of Existing Plant Material.**

The following regulations shall apply to existing plant material:

- (A) **Consideration of Existing Elements in the Landscape Design.** In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of the plant material in place of the requirements set forth previously in this Section, provided the substitution is in keeping with the spirit and intent of this Chapter and the Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this section.

- (B) **Preservation of Existing Plant Material.** Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in caliper, measured 12 inches above grade.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy plant materials, which are intended to meet the requirements of the Ordinance are cut down, damaged, or destroyed during construction, said plant material shall be replaced.

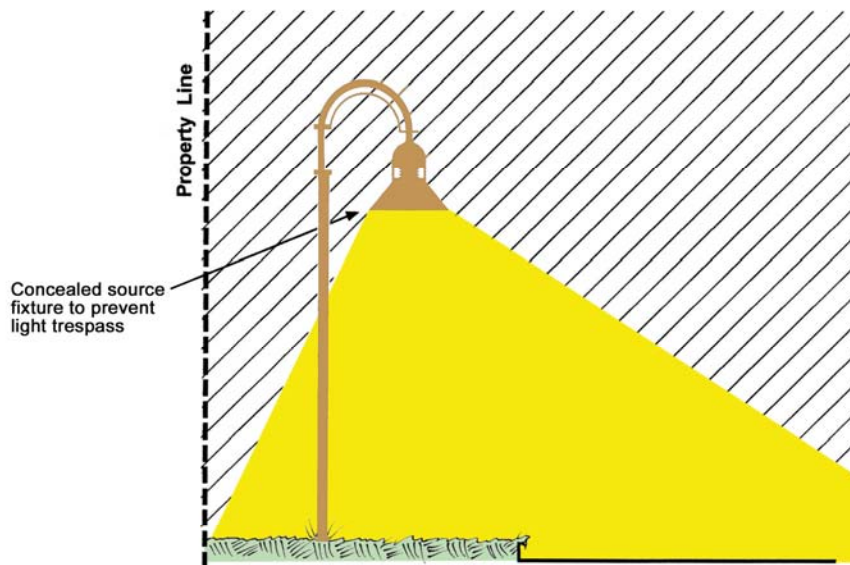
### Section 711. Exceptions.

Within the intent of this Article, the Planning Commission may approve alternatives it determines to be necessary to accommodate peculiar circumstances or unforeseen problems, or to carry out the spirit, intent and purpose of this Chapter and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance:

### Section 712. Exterior Lighting

The standards for exterior lighting in this section shall apply to all exterior lighting sources, and to all light sources visible from any road right-of-way or adjacent lot, except as provided for in this Section.

- (A) **Fully-Shielded.** Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustrations).



Lighting Fixture Orientation and Shielding

- (B) **Glare and Light Trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, traffic hazards, and light trespass on neighboring lots.
- (C) **Hours of Operation.** All exterior lighting systems accessory to non-residential uses shall incorporate automatic timers. Exterior light fixtures shall not be illuminated after 11:00 p.m. or one-half (½) hour following the close of the business day whichever is later. Such fixtures shall not be illuminated before sunrise or one-half (½) hour prior to the beginning of the business day whichever is earlier. Minimal illumination for security purposes shall be permitted between these hours.
- (D) **Submittal Requirements.** The following exterior lighting information may be required by the Planning Commission with any site plan, site condominium plan or subdivision plat application where exterior lighting is proposed to be altered or installed:
- (1) The location, type and height of all existing and proposed light fixtures.
  - (2) Manufacturer's specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.
- (E) **Standards by Type of Fixture.**
- (1) **Freestanding Pole Lighting Height.** The maximum height of pole-mounted fixtures shall be 25 feet.
  - (2) **Architectural Lighting.**
    - (a) **Facade Illumination.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed downward and towards the facade. All light from such fixtures shall be concentrated on the wall surface. Up lighting of a building facade shall be prohibited.
    - (b) **Accent Lighting.** Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings. Such lighting shall also be prohibited on the exterior or interior of windows on doors, if intended to be visible from outside the building. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, upon determining that such lighting accents would enhance the aesthetics of the site, and would not cause off-site glare or light pollution.
  - (3) **Window Lighting.** All interior light fixtures visible through a window from a public right-of-way or adjacent property shall be shielded to prevent glare at the property line or within a public right-of-way.
- (F) **Prohibited Lighting.** The following types of exterior light sources and activities shall be prohibited:
- (1) **Animated Lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, including electronic reader boards and other animated sign lighting.
  - (2) **Searchlights and Laser Source Lighting.** The use or operation of laser source light, searchlights, and similar high intensity light sources projected above the horizontal plane for outdoor advertising or entertainment purposes shall be prohibited unless approved as part of a temporary use permit by the Township.

- (G) **Exempt Lighting.** The following types of exterior lighting shall be exempt from the requirements of this Chapter, except that the Zoning Administrator may impose reasonable restrictions on the use of such lighting where necessary to protect the health, safety and welfare of the public:
- (1) Holiday decorations displayed for temporary periods not to exceed 90 calendar days.
  - (2) Lighting for a permitted temporary circus, fair, carnival, or civic use.
  - (3) Shielded street lighting and pedestrian walkway lighting.
  - (4) Exterior lighting accessory to an active farm, agricultural operation or single family dwelling, which does not cause off-site glare or contribute to light pollution.
  - (5) Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Chapter, or where fire, police, emergency, construction or repair personnel need light for temporary or emergency situations.
  - (6) Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).
- (H) **Alternatives and Substitutions.** Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Section and the following:
- (1) **Decorative Light Fixtures.** The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light pollution.
  - (2) **Alternative Lighting Designs.** The Planning Commission may approve an alternative lighting design, provided that the Commission finds that the design would be in accordance with the purpose of this Chapter.
  - (3) **Fixture Alteration or Replacement.** Light fixtures regulated by this Chapter shall not be altered or replaced after approval has been granted, except where the Zoning Administrator has verified that the alteration or replacement would comply with the provisions of this Chapter and the approved site plan.

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## Chapter 8

### SIGNS

#### Section 801. Purpose.

The primary function of signs, as it relates to this Ordinance, is to identify particular uses or businesses occupying a zoning lot or building in the Township. The Township further finds that reasonable use of signage promotes commerce in the Township. However, unrestricted use of signs does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the Township would unduly distract or endanger motorists and pedestrians; obstruct vision or create traffic hazards; negatively impact property values; and reduce the effectiveness of both business signs and signs needed to direct and warn the public.

The provisions of this Article shall be considered to be the minimum necessary to promote and protect the public health, safety, comfort, morals, and convenience. The further purposes of this Article are to:

- (1) Permit free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are designed to be seen.
- (2) Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination.
- (3) Minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
- (4) Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.
- (5) Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs.
- (6) Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.

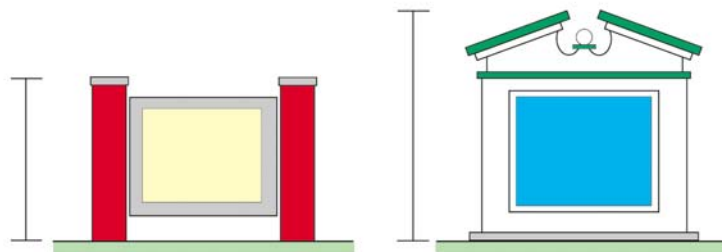
If a new zoning district is created after the enactment of this Ordinance, no signs shall be permitted therein until this chapter is amended to include regulations for signs in that new zoning district.

#### Section 802. General Standards.

The following general standards shall apply to signs in all zoning districts:

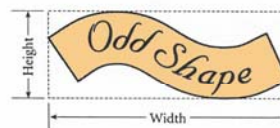
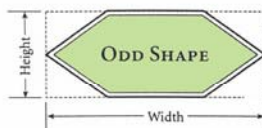
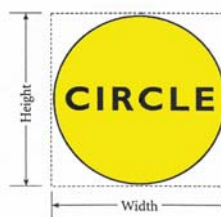
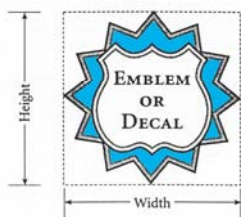
- (A) **Standards of Measurement.** Dimensional standards and measurements for signs shall be subject to the following:
  - (1) **Sign Height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration, Sign Height).





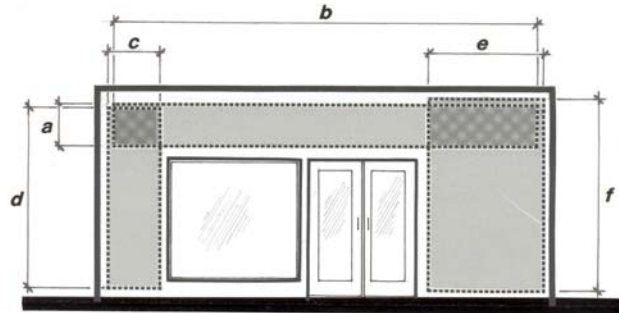
**Sign Height**

- (2) **Sign Setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.
- (3) **Sign Area.** The area within a rectangle or square enclosing the extreme limits of letters, symbols or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed (see illustration, Computation of Sign Area)
  - (a) Where two sign faces with identical sign areas are placed back to back no more than 24 inches apart, then the sign area shall equal the area of one (1) face.
  - (b) Where two sign faces with different sign areas are placed back to back no more than 24 inches apart, then the sign area shall equal the area of the larger face.
  - (c) Where two sign faces are placed more than 24 inches apart at any point, then the sign area shall equal the total area of all sign faces.



**Computation of Sign Area**

- (4) **Signable Area.** Where it is specified that the size of a sign shall be based on the signable area, signable area shall be delineated as the area of a continuous surface, or wall unobstructed by windows, doors, other major architectural details, or a change in materials or color. The signable area shall equal the area of  $(a \times b)$  or  $(c \times d)$  or  $(e \times f)$  in the following illustration, at the choice of the applicant:



**Signable Area**

The sign must be placed within the area chosen as the basis for the signable area calculation. The signable area for a gable shall be determined by calculating the actual area of the surface or wall of the gable, unobstructed by any architectural features.

- (B) **Placement Requirements.** The following placement standards shall apply to all signs:
- (1) No sign may extend above any portion of the roof or parapet, or be placed upon any roof surface. For purposes of this Chapter, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space. Unless otherwise specified in this Chapter, no wall sign shall exceed the height of the wall upon which it is placed.
  - (2) No sign attached to a building, other than a permitted awning, canopy, or marquee sign, may project more than 18 inches from the building wall.
  - (3) Signs shall not be located within nor extend over any road right-of-way or corner clearance area, except where specifically authorized by this Chapter (see Section 502(D), Corner Clear Vision Area). This restriction shall include any future planned rights-of-way identified in the Township, County, or State master right-of-way plans.
  - (4) All signs shall be located at least 10 feet from any utility pole, overhead wire, transformer or streetlight, and shall meet all utility company setback and separation standards.
  - (5) All signs shall comply with the setback requirements for the district in which they are located, except as otherwise permitted in this Chapter. No part of a ground sign may be placed within a required side yard or within 10 feet of a side lot line.
  - (6) No monument or pole sign shall be placed in such a manner as to prevent any traveler on a curve of a road from obtaining a clear view of approaching vehicles for a distance of 500 feet along the road.
- (C) **Hazards and Obstructions.** Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device, such as, but not limited to, traffic signals. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.

- (D) **Use.** Signs shall not impair the use of adjacent properties. All signs shall be accessory to the principal use of the lot where the sign is located, unless specifically permitted by this Chapter as a non-accessory sign. Any sign permitted by this Chapter may contain a non-commercial message.
- (E) **Illumination.** Internal and external sign illumination shall be permitted, subject to the standards of Chapter 7, Landscaping, Screening and Exterior Lighting and the following:
- (1) **Code.** Any electrical illumination of a sign must fully comply with the National Electrical Code as amended and adopted by Buena Vista Charter Township.
  - (2) **External Sign Illumination.** External illumination of signs shall be permitted in any zoning district, provided that the light source(s) shall be non-glare, fully shielded, directed towards the sign face, and designed to concentrate all light on the sign copy area.
  - (3) **Internal Sign Illumination.** Signs accessory to non-residential uses in any zoning district may be internally illuminated. Internal illumination of signs accessory to single family and multiple family dwellings shall be prohibited.
  - (4) **Other Limitations.** Sign illumination shall be further limited as follows:
    - (a) Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type. No sign shall have blinking, flashing or fluttering lights or other illuminating devices, such as changing light intensity, brightness or color. Animated signs, beacons and searchlights are not permitted. This section shall not be interpreted to prohibit electronic message boards, as regulated by this Ordinance.
    - (b) Luminous tube lighting (neon, fluorescent or similar) shall not be directly visible from any road right-of-way or adjacent lot. Such lighting may be used as an indirect light source, or if shielded by panels or similar methods to diffuse the light.
- (F) **Changeable Copy.** Changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed 30 percent of the total sign area.
- (G) **Electronic Message Boards.** Electronic message boards are permitted to be up to 30 percent of the total sign area of any sign in the TC, B-1, B-2, B-3, M-1, or M-2 districts which conform to all other requirements of this Chapter. The frequency of message change shall not be less than 30 seconds. In the AG-1, AG-2, R-1, R-2, R-3 and MH districts, electronic message boards shall be permitted only for institutional or governmental uses and shall be subject to the same conditions as above.
- (H) **Painted Wall Signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a wall sign subject to the standards of this Chapter and the following:
- (1) Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
  - (2) The appearance, color, texture, and materials used shall be compatible with adjacent structures and uses, and the purpose of the zoning district.

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**Section 803. Signs Authorized Without a Permit.**

The following signs are exempt from Section 808, Sign Permit Requirements, and shall be permitted accessory to the permitted use in any zoning district. Such signs shall be subject to all other applicable conditions and standards set forth in this chapter:

- (A) **Historical, Cultural and Agricultural Related Signs.** A sign erected by a government agency, which exclusively denotes a recognized historical, cultural or natural site, is permitted. This sign shall not exceed 3 square feet unless otherwise provided by state or federal law. Signs used for crop trial identification, U-pick signs and other similar agricultural activities shall be limited to no greater than 6 square feet and to a time period of six months.
- (B) **Directional Signs.** Signs used to direct the desired direction of vehicular or pedestrian traffic flow on a site, subject to the following:
  - (1) Directional signs shall not exceed 3 square feet or 4 feet in height.
  - (2) They must be set back a minimum of 1 foot from the edge of the public street right-of-way, and 2 feet from the nearest edge of the driveway surface.
  - (3) Only one entrance and one exit directional sign is permitted per legal driveway.
- (C) **Street Banners.** Street banners are subject to approval by the road agency with jurisdiction. This approval must include identification of the parties who are authorized to install and/or remove the street banner. A street banner may only be located on a public street that abuts property in a commercial or industrial zoning district.
- (D) **Address Numbers and Nameplates.** All principal buildings shall display their street address number on the street (front) side of the building, upon the freestanding sign or building entrance in a manner legible from the street right-of-way. Also, any sign that conforms to all other requirements of this Chapter may display street address numbers on an area up to 10 percent of the maximum allowable area for said sign, without counting against the allowable sign area. In addition, one nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed 3 square feet in area, and shall be attached flat against the building wall.
- (E) **Real Estate Signs.** One non-illuminated temporary sign per public street frontage, located on and indicating that a property is offered for sale, for rent, or for lease, may be displayed in addition to any other signs permitted by this Ordinance. Said sign must meet the size, height, setback and separation requirements for freestanding or wall signs on the parcel. Real estate signs may not be illuminated when located in residential districts. Such sign shall not be placed in the public right-of-way and shall be removed within 30 calendar days from the date of rental, lease, or sale, as applicable.
- (F) **Political Signs.** Non-illuminated temporary signs promoting political parties, candidates for election, or proposals shall not exceed 32 square feet in total, for all political signs placed on each lot. These signs shall be removed no more than 10 days after the election to which they pertain. Political signs shall conform to the height and setback requirements for monument/pole signs. The candidate shall be responsible for compliance with this section.
- (G) **Regulatory Signs.** Traffic safety and control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- (H) **Building Markers.** Memorial signs, tablets or markers, and historical plaques cut into any masonry surface or constructed of bronze or other incombustible material and shall not exceed two square feet in area.

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- (I) **Community Event Signs.** Signs for school or community events that are erected on the property of the sponsor of the display or event. Signs shall not exceed 32 square feet and 8 feet in height. A permit shall be required if the sign is displayed over 14 calendar days in a calendar year.
  - (J) **Governmental Signs.** Signs of duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; legal notices; signs identifying public access, municipal facilities and similar official markers; railroad crossing signs incidental signs displayed for the direction, safety or convenience of the public and danger and other emergency signs as may be approved by the Township Board or any Federal, State or County agency having jurisdiction over the matter of the sign.
  - (K) **Flags.** Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization, not to exceed two flag poles per parcel. A flag pole shall not exceed the height limits of this Ordinance. The Zoning Administrator, in his discretion, may require large or numerous flags to be subject to the Ordinance. Failure to keep a flag well maintained may result in a determination that the flag is abandoned and the Township will consider it as such and order its removal.
  - (L) **“No Signs”.** “No trespassing”, “no dumping”, “no hunting”, “no skateboarding”, and other similar signs when posted on private property. One such sign is allowed per 100 feet along a lot boundary. Each sign shall not exceed three square feet in area.
  - (M) **Incidental Signs.** Incidental signs on vehicles, trailers, trucks, and similar vehicles used for transport in the normal course of business, provided that the primary use of shall not be for the purpose of advertising on the premises where the vehicle is parked.
  - (N) **Decorations.** Signs of a decorative nature, not used for any commercial purpose and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than 60 consecutive days, or more than 60 days in any one year.

#### **Section 804. Prohibited Signs.**

The following types of signs are prohibited in all districts. Zoning permits may not be issued for such signs, and the Zoning Administrator shall have authority to order removal of such signs as described in Section 811. Determination of a sign's compliance with these standards shall be made by the Zoning Administrator. Any party feeling aggrieved by such a decision may appeal to the Zoning Board of Appeals.

- (A) Any sign not expressly permitted.
- (B) Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
- (C) Signs which make use of words such as “stop”, “look”, “danger”, or any other words phrases, symbols or characters in such a manner as to interfere with, mislead or confuse drivers of vehicles traveling upon any highway, driveway or parking area.
- (D) Signs painted on or attached to trees, utility poles, streetlights, fences, or similar locations.
- (E) Signs placed on or across any public right-of-way or on any Township property, except as expressly authorized by this Chapter and approved by the Township Board or the agency with jurisdiction over the public right-of-way. Any sign which is to be placed by a party other than the public body may be permitted pursuant to an encroachment agreement between the

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- party and the public body which specifies the size, height and placement of said sign and the time during which it may be displayed.
- (F) Signs that incorporate in any manner flashing, moving or intermittent lights of changing degrees or intensity, exposed incandescent bulbs, animation, or unshielded luminous tube lighting, including neon tube signs.
  - (G) Exterior string lights accessory to a non-residential use, other than holiday decorations or when used as an embellishment to landscape plant materials.
  - (H) Signs that move or have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; animated signs; and signs that discharge any audible sound, odor or visible matter. This prohibition shall not apply to public message signs on governmental property and signs otherwise permitted that display time and/or temperature.
  - (I) Any sign or other advertising structure or display which conveys, suggests, indicates or otherwise implies by pictures, drawings, words, emblems, logos, or other communication methods including, but not limited to, human genitalia, sexual acts, adult nude human bodies, obscene words, or obscene gestures.
  - (J) Signs that obstruct or hide any traffic or street sign or signal from view. No sign shall be placed within any clear vision area, per Section 502 (D), or obstruct the view of pedestrian traffic in any direction.
  - (K) Any sign that advertises an activity, business, product or service that is no longer available as stated or implied. Any such sign must be removed as noted in Section 811.
  - (L) Roof signs, rooftop signs, and projecting signs, as defined in Section 202, Definitions.
  - (M) Signs displayed without required permits or which are not permitted signs, excluding any existing legal nonconforming sign.
  - (N) Portable signs, pennants, spinners, strings of flags and streamers, except as specifically permitted in accordance with this Ordinance.
  - (O) Any sign or sign structure which
    - (1) is structurally unsafe, or
    - (2) constitutes a hazard to the safety or health of persons or property by reason of inadequate design, fabrication, mounting or maintenance, or
    - (3) is not kept in good repair, or
    - (4) is capable of causing electrical shocks to persons that may come in contact with it, or
    - (5) is abandoned.
  - (P) Any sign which obstructs free ingress or egress from a required door, window, fire escape, driveway or other required access route.

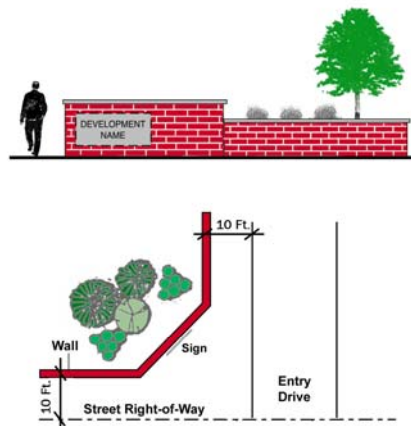
### **Section 805. Signs Permitted in All Districts with a Sign Permit.**

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a sign permit in accordance with Section 808, Sign Permit Requirements:

- (A) **Site Entry Feature with Signage.** Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; elderly or senior housing development; manufactured housing park; or office, research or industrial park, subject to the following (see illustration, Site Entry Feature with Signage).
- (1) **Number of Signs.** Maximum of one sign per entrance from a public road classified as a collector, arterial or thoroughfare by the master transportation plans for the Township, County or State road authorities.
  - (2) **Setbacks.** Site entry features with signage shall be located outside of any road right-of-way and corner clearance area, and shall further comply with the following minimum setback requirements:
    - (a) 10 feet from any road right-of-way or curb line of any internal access driveway.
    - (b) 5 feet from any sidewalk or paved path.
  - (3) **Sign Area and Height.** The maximum height for signs on a site entry feature shall not exceed the following:

Zoning District	Maximum Height	Maximum Area
R-1, R-2, R-3, MH	6	24
B-1, B-2, B-3, TC	8	64
M-1, M-2, AP	8	64
A-1, A-2	6	24

- (4) **Illumination.** Illumination of such signs shall be limited to external light sources.
- (5) **Planning Commission Review.** The location and design of each site entry feature with signage shall be subject to review and approval by the Planning Commission.



Site Entry Feature With Signage

- (B) **Construction Signs.** Temporary construction signs shall be subject to the following:
- (1) **Number of Signs.** Maximum of one sign per road frontage of the parcel.

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- (2) **Sign Area, Height and Location.** The maximum sign area shall not exceed 32 square feet, and the maximum sign height shall not exceed 6 feet. Construction signs shall be set back a minimum of 10 feet from any road right-of-way.
  - (3) **Display Period.** The sign shall not be erected prior to obtaining a building permit and shall be displayed only while the project is under construction.
  - (4) **Illumination.** Construction signs shall not be lighted.
- (C) **Portable Sign.** One portable sign per parcel may be permitted on a temporary basis except that a portable sign is not permitted on an unimproved parcel. The period of display shall not exceed 14 days and there shall be no more than 3 display periods per calendar year. The sign shall not exceed 32 square feet in area. Any portable sign under this section shall be an on-premises sign. Inflatable figures for grand openings or special sales may be permitted subject to the permit and time limits of this section.

### Section 806. Signs Permitted by District

(A) **A-1 and A-2 Districts.**

- (1) **Wall Signs – Residential.** One wall sign shall be permitted for each dwelling unit, not to exceed 2 square feet in area. No permit is required.
- (2) **Wall Signs – Nonresidential.** One wall sign, not to exceed 12 square feet in area, shall be permitted on the principal structure of any non-dwelling principal use.
- (3) **Freestanding Signs.** One monument or pole sign is permitted per premises.
  - (a) Uses accessory to a residential dwelling, including but not limited to, home occupations and family day care shall be permitted one monument or pole sign, not to exceed 3 square feet in area and 4 feet in height. The sign shall be setback a minimum of 10 feet from any street right-of-way, lot line and driveway.
  - (b) Nonresidential uses shall be permitted one monument or pole sign, not to exceed 32 square feet in area and 6 feet in height. The sign shall be setback a minimum of 10 feet from any street right-of-way, lot line and driveway.

(B) **R-1 and R-2 Districts.**

- (1) **Wall Signs – Residential.** One wall sign shall be permitted for each dwelling unit, not to exceed 2 square feet in area. No permit is required.
- (2) **Wall Signs – Nonresidential.** One wall sign, not to exceed 32 square feet in area, shall be permitted on the principal structure of any non-dwelling principal use.
- (3) **Freestanding Signs.** One monument or pole sign is permitted per premises.
  - (a) Uses accessory to a residential dwelling, including but not limited to, home occupations and family day care shall be permitted one monument or pole sign, not to exceed 3 square feet in area and 4 feet in height. The sign shall be setback a minimum of 10 feet from any street right-of-way, lot line and driveway.



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- (b) Nonresidential uses shall be permitted one monument or pole sign, not to exceed 32 square feet in area and 6 feet in height. The sign shall be setback a minimum of 10 feet from any street right-of-way, lot line and driveway.
- (C) **R-3 and MH Districts.**
- (1) **Wall Signs.** Wall signs shall be as permitted in Section 806 (B) above, except that a multiple family residential dwelling building shall be permitted only one wall sign, not to exceed 32 square feet in area, per building.
- (2) **Freestanding Signs.**
- (a) Nonresidential uses shall be permitted one monument or pole sign, not the exceed 32 square feet in area and 6 feet in height. The signs shall be setback a minimum of 10 feet from any street right-of-way, lot line and driveway.
- (b) Accessory community facilities or special uses within a multiple family or mobile home park development shall be permitted one sign for each accessory building or use. Each sign shall not exceed 16 square feet and 4 feet in height, and shall be setback a minimum of 10 feet from any street right-of-way, lot line or driveway.
- (c) A multiple family residential development or mobile home park shall be permitted one monument sign not to exceed 32 square feet in area and 6 feet in height.
- (D) **TC and B-1 Districts.**
- (1) **Wall Signs.**
- (a) **Location.** All wall signs shall be located entirely within the first floor, street level façade(s) of the buildings on which they are placed.
- (b) **Number.** One wall sign shall be permitted on each façade that has a separate public means of ingress and egress. In the case of a building located on a corner lot, one additional wall sign shall be permitted on a separate façade that faces a public or private street, regardless of a separate public means of ingress and egress. In the case of a building with more than one tenant (multi-tenant), shopping center or business center, one wall sign shall be permitted for each tenant having a separate, direct means of public access from the outside.
- (c) **Sign Area.** The maximum permitted wall sign area shall be as follows:
- i. Forty (40) percent of the signable area of the building wall upon which the sign is to be located, up to a maximum of 100 square feet.
  - ii. Where the building contains more than one business, as in a shopping center, the maximum permitted wall sign area for each business shall be 40 percent of the signable area of that business wall, up to a maximum of 100 square feet.
  - iii. For buildings setback 200 feet or more from the street front lot line in the maximum amount of wall sign may be increased by 50 square

feet for each 100 feet of setback. In no event may the maximum wall sign area exceed 200 square feet.

(2) **Freestanding Signs.**

- (a) **Location.** Freestanding signs shall be setback a minimum of 10 feet from the street right-of-way. Placement shall be entirely within the boundaries of the parcel to which the sign relates.
- (b) **Number.** Except as provided below, a maximum of one monument or pole sign shall be permitted per street frontage on each parcel.
- (c) **Sign Area and Height.**
  - (i) Freestanding signs shall be permitted in accordance with the following schedule of setback, area and heights.

Setback from Street R.O.W.	Maximum Sign Area	Maximum Sign Height
10 ft.	64 ft. <sup>2</sup>	12 ft.
15 ft.	77 ft. <sup>2</sup>	16 ft.
20 ft.	90 ft. <sup>2</sup>	20 ft.

- (ii) Monument signs shall not exceed 8 feet in height.
- (d) **Monument Signs.** Monument signs shall have brick or decorative masonry block base that complements the materials and architecture of the building. The base shall be not less than 75 percent of the greatest horizontal dimension of the sign face, and the vertical separation between the lowest point of the sign face and the highest point of the sign base shall be not greater than 12 inches. Sign copy shall be located at least 30 inches above the ground to allow for snow accumulation and plant growth.
- (e) **Shopping Centers and Multi-Tenant Buildings.**
  - (i) For shopping centers or other multi-tenant buildings that contain a minimum of 3 tenants, the permitted area of one freestanding sign may be increased to 150% of the maximum sign area permitted above. This provision shall not apply unless all signs on the premises are in compliance with this Chapter. The sign area may be allocated for use by individual tenants.
  - (ii) The maximum number of permitted freestanding signs may be increased from one to two for a shopping center or other multi-tenant building subject to the following:
    - (a) Only one sign shall be permitted on premises having frontage on more than one street if a single sign can be located such that it is visible from both streets.
    - (b) Any permitted second ground sign shall be located so that it is not in direct line of sight from the first permitted ground sign and there shall be no more than one sign per street.
    - (c) The second sign must be of the same design format and shall not exceed the area of the primary sign.

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- (d) All signs on the premises shall be in compliance with this Chapter.
- (3) **Canopy and Awning Signs.** Signs on canopies and awnings shall be permitted, subject to the following:
- (a) **Coverage.** The maximum sign area shall not exceed that which is permitted in the zoning district for a wall sign. For internally-illuminated awnings or canopies, the entire area of the awning or canopy shall be included in the sign area calculation. For signs on awnings and canopies that are not internally-illuminated, the signable area shall be calculated using the vertical face of the awning or canopy.
  - (b) **Area Compliance.** The area of signs on awnings and canopies shall be counted as part of the building's total allowable area for wall signage.
  - (c) **Color.** Signs on a canopy or awning shall be one color in contrast to the background color.
  - (d) **Location.** Canopies shall not project more than 8 feet beyond a building façade or other architectural feature nor be closer than 6 feet to the curb line. A minimum under clearance of 8 feet shall be maintained.
  - (e) **Height.** No portion of an awning or canopy shall be higher than the eave line of the building.
- (4) **Marquee Signs.** Marquee signs may be permitted, subject to the following:
- (a) The maximum area shall not exceed that which is permitted for a wall sign in the B-1 district. Signable area shall be calculated as if the marquee did not exist.
  - (b) The display surface of the sign shall be attached flat against, and shall not extend above, below, or beyond the vertical surface of the marquee structure.
  - (c) No portion of a marquee sign shall be higher than the eave line of a building.
- (5) **Window Signs.** No sign shall be placed or mounted on the exterior surface of a window. Interior window signs shall not exceed 20 percent of the window pane area and shall not be permitted on windows located above the first floor.
- (6) **Underhanging Signs.** Where the roof structure of the building is extended over a walkway along the outer edge of a building, one nameplate for each business or use may be attached to the underside of the overhang, provided that all such signs shall be of identical size, shape, configuration, lettering style and color scheme, shall contain only the name of the business, and shall provide a vertical clearance of at least 8 feet 6 inches between the sign and the surface of the walkway.
- (7) **Multiple Family Signs.** Signs for multiple family dwelling uses shall be subject to the regulations under Section 806(C) for the R-3 District.
- (8) **Menu Boards.** For an approved drive-through business, up to two menu board signs each no greater than 32 square feet in total area and 7 feet in height shall be permitted.

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- (a) Menu board signs shall be located on the interior of the lot or parcel, not in the front yard, and shall not be readable from the exterior of the lot.
  - (b) Menu board signs shall be designed to service the public utilizing the drive-through facilities only.
  - (c) The placement, size, content, coloring or manner of illumination shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow.
  - (d) The volume on order boards shall be maintained at the minimum level necessary so that it is audible to users, so as to minimize extraneous noise traveling off the site.
- (9) **Gasoline Price Signs.** Signage to display fuel prices shall be permitted in addition to other allowable signage, subject to the following:
- (a) Gasoline price signs shall not exceed 12 square feet in area. Gasoline price signs shall be not counted in determining compliance with the total area of wall or freestanding signs permitted on the parcel.
  - (b) Gasoline price signs shall comply with the setback and height requirements specified for freestanding signs in the district in which the signs are located.
  - (c) Individual fuel price numbers may be in the form of an electronic message copy. No other portion of the sign may be electronic copy.
  - (d) All electronic numerals used in the price of fuel shall be designed to automatically adjust their brightness under varying light conditions to maintain legibility, avoid glare, and eliminate visual impact on nearby areas of the Township.
- (E) **B-2 and B-3 Districts**
- (1) **Wall Signs.**
- (a) **Location.** All wall signs shall be located entirely within the first floor, street level façade(s) of the buildings on which they are placed.
  - (b) **Number.** One wall sign shall be permitted on each façade that has a separate public means of ingress and egress. In the case of a building located on a corner lot, one additional wall sign shall be permitted on a separate façade that faces a public or private street, regardless of a separate public means of ingress and egress. In the case of a building with more than one tenant (multi-tenant), shopping center or business center, one wall sign shall be permitted for each tenant having a separate, direct means of public access from the outside.
  - (c) **Sign Area.** The maximum permitted wall sign area shall be as follows:
    - (i) Forty (40) percent of the signable area of the building wall upon which the sign is to be located, up to a maximum of 100 square feet.
    - (ii) Where the building contains more than one business, as in a shopping center, the maximum permitted wall sign area for each

business shall be 40 percent of the signable area of that business wall, up to a maximum of 100 square feet.

- (iii) For buildings setback 200 feet or more from the street front lot line in the maximum amount of wall sign may be increased by 50 square feet for each 100 feet of setback. In no event may the maximum wall sign exceed 200 square feet.

(2) **Freestanding Signs.**

- (a) **Location.** Freestanding signs shall be setback a minimum of 10 feet from the street right-of-way. Placement shall be entirely within the boundaries of the parcel to which the sign relates.
- (b) **Number.** Except as provided below, a maximum of one monument or pole sign shall be permitted per street frontage on each parcel.
- (c) **Sign Area and Height.**
  - (i) Freestanding signs shall be permitted in accordance with the following schedule of setback, area and heights.

Setback from Street R.O.W.	Maximum Sign Area	Maximum Sign Height
10 ft.	64 ft. <sup>2</sup>	12 ft.
15 ft.	77 ft. <sup>2</sup>	16 ft.
20 ft.	90 ft. <sup>2</sup>	20 ft.

- (ii) Monument signs shall not exceed 8 feet in height.
- (d) **Monument Signs.** Monument signs shall have brick or decorative masonry block base that complements the materials and architecture of the building. The base shall be not less than 75 percent of the greatest horizontal dimension of the sign face, and the vertical separation between the lowest point of the sign face and the highest point of the sign base shall be not greater than 12 inches. Sign copy shall be located at least thirty (30) inches above the ground to allow for snow accumulation and plant growth.
- (e) **Shopping Centers and Multi-Tenant Buildings.**
  - (i) For shopping centers or other multi-tenant buildings that contain a minimum of 3 tenants, the permitted area of 1 freestanding sign may be increased to 150% of the maximum sign area permitted above. This provision shall not apply unless all signs on the premises are in compliance with this Chapter. The sign area may be allocated for use by individual tenants.
  - (ii) The maximum number of permitted freestanding signs may be increased from one to two for a shopping center or other multi-tenant building subject to the following:
    - (a) Only one sign shall be permitted on premises having frontage on more than one street if a single sign can be located such that it is visible from both streets.

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- (b) Any permitted second ground sign shall be located so that it is not in direct line of sight from the first permitted ground sign and there shall be no more than one sign per street.
  - (c) The second sign must be of the same design format and shall not exceed the area of the primary sign.
  - (d) All signs on the premises shall be in compliance with this Article.
- (3) **Canopy and Awning Signs.** Signs on canopies and awnings shall be permitted, subject to the following:
- (a) **Coverage.** The maximum sign area shall not exceed that which is permitted in the zoning district for a wall sign. For internally-illuminated awnings or canopies, the entire area of the awning or canopy shall be included in the sign area calculation. For signs on awnings and canopies that are not internally-illuminated, the signable area shall be calculated using the vertical face of the awning or canopy.
  - (b) **Area Compliance.** The area of signs on awnings and canopies shall be counted as part of the building's total allowable area for wall signage.
  - (c) **Color.** Signs on a canopy or awning shall be one color in contrast to the background color.
  - (d) **Location.** Canopies shall not project more than 8 feet beyond a building façade or other architectural feature nor be closer than 6 feet to the curb line. A minimum under clearance of 8 feet shall be maintained.
  - (e) **Height.** No portion of an awning or canopy shall be higher than the eave line of the building.
- (4) **Marquee Signs.** Marquee signs may be permitted, subject to the following:
- (a) The maximum area shall not exceed that which is permitted for a wall sign. Signable area shall be calculated as if the marquee did not exist.
  - (b) The display surface of the sign shall be attached flat against, and shall not extend above, below, or beyond the vertical surface of the marquee structure.
  - (c) No portion of a marquee sign shall be higher than the eave line of a building.
- (5) **Window Signs.** No sign shall be placed or mounted on the exterior surface of a window. Interior window signs shall not exceed 20 percent of the window pane area and shall not be permitted on windows located above the first floor.
- (6) **Underhanging Signs.** Where the roof structure of the building is extended over a walkway along the outer edge of a building, one nameplate for each business or use may be attached to the underside of the overhang, provided that all such signs shall be of identical size, shape, configuration, lettering style and color scheme, shall contain only the name of the business, and shall provide a vertical clearance of at least 8 feet 6 inches between the sign and the surface of the walkway.

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- (7) **Menu Boards.** For an approved drive-through business, up to two menu board signs each no greater than 32 square feet in total area and 7 feet in height, shall be permitted.
- (a) Menu board signs shall be located on the interior of the lot or parcel, not in the front yard, and shall not be readable from the exterior of the lot.
  - (b) Menu board signs shall be designed to service the public utilizing the drive-through facilities only.
  - (c) The placement, size, content, coloring or manner of illumination shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow.
  - (d) The volume on order boards shall be maintained at the minimum level necessary so that it is audible to users, so as to minimize extraneous noise traveling off the site.
- (8) **Gasoline Price Signs.** Signage to display fuel prices shall be permitted in addition to other allowable signage, subject to the following:
- (a) Gasoline price signs shall not exceed 12 square feet in area. Gasoline price signs shall be not counted in determining compliance with the total area of wall or freestanding signs permitted on the parcel.
  - (b) Gasoline price signs shall comply with the setback and height requirements specified for freestanding signs in the district in which the signs are located.
  - (c) Individual fuel price numbers may be in the form of an electronic message copy. No other portion of the sign may be electronic copy.
  - (d) All electronic numerals used in the price of fuel shall be designed to automatically adjust their brightness under varying light conditions to maintain legibility, avoid glare, and eliminate visual impact on nearby areas of the Township.
- (F) **M-1, M-2 and AP Districts**
- (1) **Wall Signs.**
- (a) **Location.** All wall signs shall be located entirely within the first floor, street level façade(s) of the buildings on which they are placed.
  - (b) **Number.** One wall sign shall be permitted on each façade that has a separate public means of ingress and egress. In the case of a building located on a corner lot, one additional wall sign shall be permitted on a separate façade that faces a public or private street, regardless of a separate public means of ingress and egress. In the case of a building with more than one tenant (multi-tenant), shopping center or business center, one wall sign shall be permitted for each tenant having a separate, direct means of public access from the outside.
  - (c) **Sign Area.** The maximum permitted wall sign area shall be as follows:
    - (i) Thirty (30) percent of the signable area of the building wall upon which the sign is to be located, up to a maximum of 100 square feet.

- (ii) Where the building contains more than one business, as in a shopping center, the maximum permitted wall sign area for each business shall be 30 percent of the signable area of that business wall, up to a maximum of 100 square feet.
- (iii) For buildings setback 200 feet or more from the street front lot line in the maximum amount of wall sign may be increased by 50 square feet for each 100 feet of setback. In no event may the maximum wall sign exceed 200 square feet.
- (d) **Buildings Fronting I-75.** Buildings that face I-75 and I-675 are permitted to have one wall sign on the front wall, facing the road that provides access, and one wall sign facing the freeway, up to an additional 90 square feet above the amount permitted in © above, divided between the two signs.

(2) **Freestanding Signs.**

- (a) **Location.** Freestanding signs shall be setback a minimum of 10 feet from the street right-of-way. Placement shall be entirely within the boundaries of the parcel to which the sign relates.
- (b) **Number.** Except as provided below, a maximum of one monument or pole sign shall be permitted per street frontage on each parcel.
- (c) **Sign Area and Height.**
  - (i) Freestanding signs shall be permitted in accordance with the following schedule of setback, area and heights.

Setback from Street R.O.W.	Maximum Sign Area	Maximum Sign Height
10 ft.	64 ft. <sup>2</sup>	12 ft.
15 ft.	77 ft. <sup>2</sup>	16 ft.
20 ft.	90 ft. <sup>2</sup>	20 ft.

- (ii) Monument signs shall not exceed 8 feet in height.
- (d) **Monument Signs.** Monument signs shall have brick or decorative masonry block base that complements the materials and architecture of the building. The base shall be not less than 75 percent of the greatest horizontal dimension of the sign face, and the vertical separation between the lowest point of the sign face and the highest point of the sign base shall be not greater than 12 inches. Sign copy shall be located at least 30 inches above the ground to allow for snow accumulation and plant growth.
- (e) **Shopping Centers and Multi-Tenant Buildings.**
  - (i) For shopping centers or other multi-tenant buildings that contain a minimum of 3 tenants, the permitted area of 1 freestanding sign may be increased to 150% of the maximum sign area permitted above. This provision shall not apply unless all signs on the premises are in compliance with this Chapter. The sign area may be allocated for use by individual tenants.



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- (ii) The maximum number of permitted freestanding signs may be increased from one to two for a shopping center or other multi-tenant building subject to the following:
- (a) Only one sign shall be permitted on premises having frontage on more than one street if a single sign can be located such that it is visible from both streets.
  - (b) Any permitted second ground sign shall be located so that it is not in direct line of sight from the first permitted ground sign and there shall be no more than one sign per street.
  - (c) The second sign must be of the same design format and shall not exceed the area of the primary sign.
  - (d) All signs on the premises shall be in compliance with this Article.
- (3) **Canopy and Awning Signs.** Signs on canopies and awnings shall be permitted, subject to the following:
- (a) **Coverage.** The maximum sign area shall not exceed that which is permitted in the zoning district for a wall sign. For internally-illuminated awnings or canopies, the entire area of the awning or canopy shall be included in the sign area calculation. For signs on awnings and canopies that are not internally-illuminated, the signable area shall be calculated using the vertical face of the awning or canopy.
  - (b) **Area Compliance.** The area of signs on awnings and canopies shall be counted as part of the building's total allowable area for wall signage.
  - (c) **Color.** Signs on a canopy or awning shall be one color in contrast to the background color.
  - (d) **Location.** Canopies shall not project more than 8 feet beyond a building façade or other architectural feature nor be closer than 6 feet to the curb line. A minimum under clearance of 8 feet shall be maintained.
  - (e) **Height.** No portion of an awning or canopy shall be higher than the eave line of the building.
- (4) **Marquee Signs.** Marquee signs may be permitted, subject to the following:
- (a) The maximum area shall not exceed that which is permitted for a wall sign. Signable area shall be calculated as if the marquee did not exist.
  - (b) The display surface of the sign shall be attached flat against, and shall not extend above, below, or beyond the vertical surface of the marquee structure.
  - (c) No portion of a marquee sign shall be higher than the eave line of a building.
- (5) **Window Signs.** No sign shall be placed or mounted on the exterior surface of a window. Interior window signs shall not exceed 20 percent of the window pane area and shall not be permitted on windows located above the first floor.

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- (6) **Menu Boards.** For an approved drive-through business, up to two menu board signs, each no greater than 32 square feet in total area and seven feet in height, shall be permitted.
- (a) Menu board signs shall be located on the interior of the lot or parcel, not in the front yard, and shall not be readable from the exterior of the lot.
  - (b) Menu board signs shall be designed to service the public utilizing the drive-through facilities only.
  - (c) The placement, size, content, coloring or manner of illumination shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow.
  - (d) The volume on order boards shall be maintained at the minimum level necessary so that it is audible to users, so as to minimize extraneous noise traveling off the site.
- (7) **Gasoline Price Signs.** Signage to display fuel prices shall be permitted in addition to other allowable signage, subject to the following:
- (a) Gasoline price signs shall not exceed 12 square feet in area. Gasoline price signs shall be not counted in determining compliance with the standards for total area of wall or freestanding signs permitted on the parcel.
  - (b) Gasoline price signs shall comply with the setback and height requirements specified for freestanding signs in the district in which the signs are located.
  - (c) Individual fuel price numbers may be in the form of an electronic message copy. No other portion of the sign may be electronic copy.
  - (d) All electronic numerals used in the price of fuel shall be designed to automatically adjust their brightness under varying light conditions to maintain legibility, avoid glare, and eliminate visual impact on nearby areas of the Township.
- (8) **Multi-Tenant Industrial or Business Park Directory Signs.** The permitted sign on a site entry feature with signage at the entrance to an industrial or business park may be increased to a maximum of 100 square feet in area and 12 feet in height. The sign shall have a minimum setback of 20 feet from any driveway and public or private road right-of-way.
- (9) **Off-Premises Directional Signs.**
- Permanent off-premises directional signs shall be permitted for business/industrial parks, airports, public parks, and similar public and semi-public uses subject to each of the following provisions:
- (a) Each approved use shall be permitted no more than one off-premises directional sign.
  - (b) Off-premises directional signs shall be located only on land in the same zoning district as the land to which it directs traffic.
  - (c) Off-premises directional signs shall be permitted only at the intersection of the access road for the business and a major thoroughfare, and only one

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such sign is permitted at each intersection. The business access road may be a public street, private road, or recorded access easement over which the general public has ingress/egress rights. If multiple businesses served by the same access road require the use of the same intersection for an off-premises business directional sign, the same sign shall be used.

- (d) Off-premises directional signs shall be located entirely on private property and no closer than 30 feet from the centerline of the street, private road, or recorded access easement which provides access to the business. The sign location shall comply with all other setback and visibility requirements of the Township.
- (e) Signs shall be no larger than 12 square feet in area and shall not exceed 6 feet in height.
- (f) Signs shall be located at least 50 feet away from all other signs.
- (g) Such signs shall not advertise any products or services. They shall be used solely to indicate the name, address and direction of the approved use.
- (h) Permit applications shall present proof (either through letter or signature on the sign permit application) that permission has been received from the land owner of tax record to place said sign on his or her property.
- (i) The existence of an off-premises directional sign shall not affect the number and size of other signs permitted by the Township, including any other signs on the same parcel as the off-premises directional sign, and any other signs on the same parcel as the business identified by the off-premises directional sign.

### Section 807. Billboards

- (A) **Zoning Districts.** A billboard shall be permitted subject to special land use approval in the M-1 and M-2 Industrial Districts. Each billboard shall be located on a site that has frontage on I-75. A billboard shall be considered a principal use and no other main structures shall exist on the site.
- (B) **View.** Each billboard must be constructed in such a manner as to be viewed principally from the expressway and not from auxiliary roadways, side road, traffic intersections, or residential areas. Billboards shall be constructed so their principal view is fully screened from an interchange area involving merging traffic.
- (C) **Location.** All billboards must comply with the following:
  - (1) Shall be located at least 500 feet from any residentially zoned area, or outdoor park/recreation facility.
  - (2) The sign site must have a roadway easement to a non-expressway primary or secondary road such that the persons maintaining and servicing the sign may reach the site without danger from high speed traffic.
- (D) **Height.** Billboards shall comply with the following height requirements:
  - (1) A maximum height of 35 feet in height above the median ground level within a 500 foot radius of the site.

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- (2) Shall be prohibited from extending above the tree line or horizon when viewed from any portion of the roadway it faces, being located on or over the roofs of buildings or projecting over any public easement or right-of-way.
- (E) **Sign Area.**
- (1) Each billboard shall be a maximum of 350 square feet in sign area.
- (2) Any extensions of the sign face above, below or to the side of the sign face shall be counted in the area of the sign and height of the billboard.
- (3) No billboard shall have scrolling text. Any sign face that changes copy, display or message by use of motorized copy, digital imaging, electronic means or other enhancement shall not change copy, message or display more frequently than 30 second intervals.
- (F) **Spacing and Setback.** Billboards shall comply as follows:
- (1) A minimum of 1,500 feet between any other billboard measured in all directions and including billboards in adjacent Townships.
- (2) A minimum of 100 feet separation from a permitted on-premises sign, except in the case of parcels that are vacant or cropland where the separation shall be 1,500 feet.
- (3) At least 500 feet from any park, school, church, hospital, cemetery or government building.
- (4) At least 500 feet from an interchange.
- (5) Shall comply with all setback requirements of the M-1 and M-2, Industrial Districts.
- (G) **Moving Parts.** Moving, flashing, oscillating or other distracting parts visible to drivers are prohibited.
- (H) **Illumination.** Any billboard that is illuminated shall comply with the standards of Section 802 (E), except for subsection 802(E)(4).
- (I) **Non-Use.** Billboards not in use shall have the unused surface display a scenic view consistent with the Township scenery, blank white surface, or a public service message.
- (J) **Maintenance.** Any billboard that collapses, topples or disintegrates shall be made safe within 30 days and the site shall be cleared of debris. No billboard shall be reconstructed unless it conforms to this Ordinance. The ground around a billboard structure shall be maintained free of debris.
- (K) **State Compliance.** Billboards shall comply with applicable requirements and conditions of P.A. 106 of 1972 as amended "The Highway Advertising Act of 1972."
- (L) **Identification Plate.** The framework, foundations or superstructure of a billboard shall have a metal identification plate firmly attached thereto.

### Section 808. Sign Permit Requirements.

- (A) **Permits Required.** It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Chapter, without first obtaining appropriate permit(s) from the Township and paying the required permit

fee according to the schedule of fees established by the Township Board. However, the following operations shall not require a permit:

- (1) **Replacing Copy.** The replacement or changing of copy of an approved painted or printed sign or a sign designed for the use of replaceable copy does not require a permit.
  - (2) **Maintenance.** Painting, servicing, cleaning, or minor repairs and normal maintenance to an existing sign, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes, and the requirements for such signs specified in this Chapter.
- (B) **Required Information for Sign Permit Applications.** The following shall be provided with any sign permit application:
- (1) **Application Information.** Permit applications shall include the following information:
    - (a) The name, address and telephone numbers for the applicant, property owner, and sign contractor; road address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.
    - (b) Any other information required by the Zoning Administrator or Building Official to show full compliance with this Ordinance, and other codes and ordinances enforced by the Township.
  - (2) **Plot Plan.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the zoning lot. If building-mounted signs are proposed, dimensioned elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
  - (3) **Sign Details.** Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination. For wall signs, the signable area of the wall on which the sign will be placed, must be dimensional and calculated.
  - (4) **Engineering.** Copy of stress sheets and calculations, if deemed necessary by the Township, showing the structure as designed for dead load and wind pressure. The seal or certificate of a registered structural or civil engineer, when required by the Township.
  - (5) **License and Insurance.** Every person who engages in the business of erecting, altering or dismantling signs in the Township shall first submit proof of appropriate licenses or certifications, and a liability insurance policy that indemnifies the Buena Vista Charter Township and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be cancelled or changed until after written notice has been filed with the Township at least 30 days prior to the date of cancellation.
  - (6) **Removal Agreement or Bond.** The Zoning Administrator or Building Official may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign.

- (7) **Fees.** The Buena Vista Charter Township Board shall determine the fee schedule for sign permits.

### Section 809. Construction Requirements.

- (A) **Code and Maintenance.** All signs and sign structures shall be constructed or installed in compliance with the State Construction Code, and other applicable building, fire, and electrical codes enforced by the Township; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.
- (B) **Smooth Face.** All sign faces shall be smooth, and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over the top or in front of the sign structure. The back of the sign shall have a finished appearance.
- (C) **Wind Loads.** All signs and sign structures must be designed and built to withstand a 30-pound-per-square-foot wind stress factor. No guy wires are permitted.
- (D) **Steel Structure Required.** Signs larger than 100 square feet must be erected on structural or tubular steel supports.
- (E) **Number of Poles.** No sign shall have more than 2 poles.
- (F) **Fastenings.** All signs must remain safe and secure during the period of use. All parts of signs, including bolts and cables, shall remain painted or treated, and free of corrosion.
- (G) **Lighting.** External lighting shall be shielded from view and focused on the sign to avoid glare or stray lighting. Flashing, rotating and intermittent lighting is prohibited.

### Section 810. Nonconforming Signs.

All signs, existing as of the effective date of this Ordinance, that do not conform to the provisions of this Chapter and Ordinance shall be permitted to continue as nonconforming signs until removed or altered, at which time they shall conform to the provisions of this Article and Ordinance. Nonconforming signs shall be subject to the following:

- (A) **Good Working Order.** Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 802, General Standards. Nonconforming signs shall be maintained with all necessary structural and decorative parts, including but not limited to supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of illumination.
- (B) **Servicing.** Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 802, General Standards.
- (C) **Alterations.** Alterations to nonconforming signs shall be prohibited, except as follows:
- (1) **Sign Copy Area.** The sign copy of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 802 (E), Illumination.
  - (2) **Billboard Signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area

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and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 802(E), Illumination.

- (3) **Sign Frame or Structural Elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:
- (a) The sign shall be brought into compliance with the sign height and sign area standards for the location and type of sign, as specified in this Article.
  - (b) Existing sign wiring and ground sign support structures may be re-used, provided that permitted alterations will not increase any nonconformity caused by inadequate sign setback
- (D) **Nonconforming Uses.** Signs accompanying any nonconforming building or use shall comply with all provisions of this Chapter for the zoning district in which the building or use is located.

### **Section 811. Sign Removal by Township Action.**

- (A) **Inspection.** Signs may be inspected periodically by the Building Official or Zoning Administrator to assure compliance with this Ordinance and other township codes.
- (B) **Tagging.** All signs requiring permits shall display the name of the permit holder and the permit number in a place conspicuous to inspectors.
- (C) **Maintenance.** All signs and components thereof must be kept in good repair and in a safe, neat, clean and attractive condition.
- (D) **Abandoned or Unlawful Signs.** The Zoning Administrator shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 202, Definitions, and subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Zoning Administrator may order the removal of such signs in accordance with the following procedure:
- (1) **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.
  - (2) **Removal.** Abandoned or unlawful signs shall be removed within 30 days after notification of a determination and order for removal by the Zoning Administrator. All support structures and components shall be completely removed. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the property owner's expense. The owner shall reimburse the Township for removal costs, or the Township may place a lien on the property for necessary removal expenses.
- (E) **Removal of a Dangerous Sign.** The Zoning Administrator may order the immediate removal of any sign that is determined to present a clear and present danger to public safety. A good faith effort shall be made to contact the owner of the parcel, or operator of any business located thereon, to notify them of the sign's impending removal and to give them the opportunity to alter or replace it within 24 hours so that it will no longer present such a danger and will comply with this ordinance. If at least two attempts to make such contact have failed, or if 24 hours have passed since said notification, the Zoning Administrator shall arrange for prompt removal of the sign. The owner shall reimburse the Township for removal costs, or the Township may place a lien on the property for necessary removal expenses. Due to the urgency of such situations, written contact is not required before a sign is so removed.

- (F) **Abandoned Signs.** An obsolete sign should be removed by the owner of the parcel upon which it is located. If it is not, the Zoning Administrator may order its removal.
- (G) **Nonconforming Signs.** The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 810, Nonconforming Signs.
- (H) **Temporary Signs.** Temporary signs affixed within a road right-of-way or corner clearance area, without a valid permit, or after permit expiration may be removed by the Township without notice. Signs removed shall be held by the Township for five calendar days, after which the sign may be discarded.

**Section 812. Zoning Board of Appeals Authority.**

The Zoning Board of Appeals (ZBA) shall have the authority to grant a variance from the strict application of these regulations, subject to the requirements of Section 1201(C)(5).



**Section 813 Table of Signs\***

Sign Type	Zoning Districts											
	A-1 A-2		R-1 R-2		R-3 MH		TC B-1		B-2 B-3		M-1 M-2 AP	
	Area	Height	Area	Height	Area	Height	Area	Height	Area	Height	Area	Height
<b>Wall</b> Residential Non-residential	2 ft. <sup>2</sup> 12 ft. <sup>2</sup>	wall height wall height	2 ft. <sup>2</sup> (b) 32 ft. <sup>2</sup>	wall height wall height	2 ft. <sup>2</sup> (b) 32 ft. <sup>2</sup>	wall height wall height	(d) 100 ft. <sup>2</sup> (c)	(d) 1 <sup>st</sup> floor	NP 100 ft. <sup>2</sup> (c)	NP 1 <sup>st</sup> floor	NP 100 ft. <sup>2</sup> (c)	NP 1 <sup>st</sup> floor
<b>Freestanding</b> Residential Non-residential	3 ft. <sup>2</sup> 32 ft. <sup>2</sup>	4 ft. 6 ft.	3 ft. <sup>2</sup> 32 ft. <sup>2</sup>	4 ft. 6 ft.	See text 32 ft. <sup>2</sup>	See text 6 ft.	(d) 64 ft. <sup>2</sup> (a)	(d) 12 ft.(a)	NP 64 ft. <sup>2</sup> (a)	NP 12 ft.(a)	NP 64 ft. <sup>2</sup> (a)	NP 12 ft.(a)
<b>Site Entry Feature</b>	24 ft. <sup>2</sup>	6 ft.	24 ft. <sup>2</sup>	6 ft.	24 ft. <sup>2</sup>	6 ft.	64 ft. <sup>2</sup>	8 ft.	64 ft. <sup>2</sup>	8 ft.	64 ft. <sup>2</sup> (f)	8 ft.(f)
<b>Construction</b>	32 ft. <sup>2</sup>	6 ft.	32 ft. <sup>2</sup>	6 ft.	32 ft. <sup>2</sup>	6 ft.	32 ft. <sup>2</sup>	6 ft.	32 ft. <sup>2</sup>	6 ft.	32 ft. <sup>2</sup>	6 ft.
<b>Portable</b>	See text											
<b>Canopy, Awning and Marquee</b>	NP						See text					
<b>Off-Premises Directional</b>	NP										12 ft. <sup>2</sup>	6 ft.
<b>Window</b>	NP						See text					
<b>Underhanging</b>	NP						See text				NP	
<b>Menu Board</b>	NP						32 ft. <sup>2</sup>	7 ft.	32 ft. <sup>2</sup>	7 ft.	See text	
<b>Gasoline Price</b>	NP						12 ft. <sup>2</sup>	See text	12 ft. <sup>2</sup>	See text	See text	
<b>Billboards</b>	NP										See text	

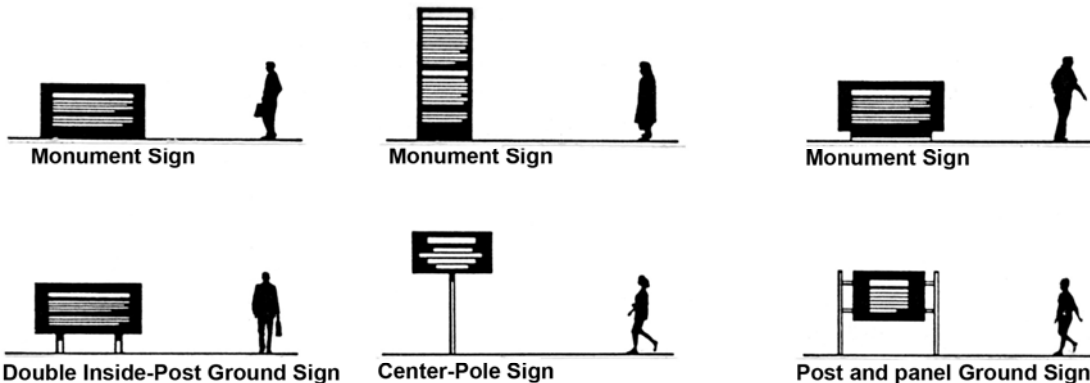
\* This Table is a summary. Please consult the text of this Chapter for additional regulations.

**Footnotes:**

NP = Not Permitted

- (a) May increase to 90 ft.<sup>2</sup> area and 20 ft. height based on additional setback. See text.
- (b) Multiple family residential dwelling building shall be permitted only one wall sign, not to exceed 32 ft.<sup>2</sup>
- (c) Can not exceed 40 percent of the signable area of the wall on which the sign is located. See text.
- (d) Subject to R-3 District regulations.
- (e) Can not exceed 30 percent of the signable area of the wall on which the sign is located. See text.
- (f) At the entrance of a business park or industrial park, the sign may be increased to 100 ft.<sup>2</sup> in area and 12 ft. high. See text

**VARIOUS TYPES OF FREESTANDING SIGNS**



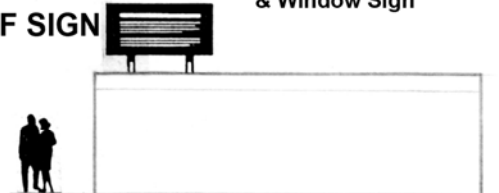
**VARIOUS TYPES OF WALL SIGNS**



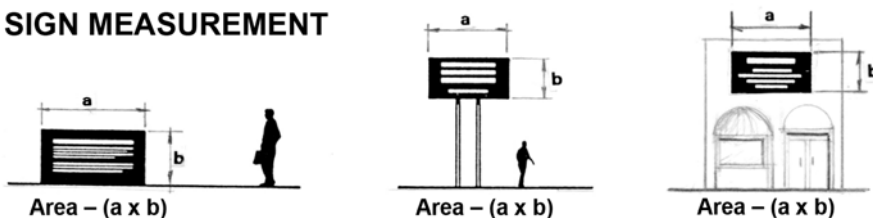
**PROJECTING SIGN**



**ROOF SIGN**



**SIGN MEASUREMENT**



**SIGN SETBACKS**



**Chapter 9**  
**NONCONFORMITIES**

**Section 901. Intent.**

Nonconformities are uses, structures, buildings, or lots that do not conform to one or more provisions or requirements of the Zoning Ordinance or to any subsequent amendment, but which were lawfully established prior to the time of adoption of this Ordinance or amendment. Such nonconformities are not compatible with the current uses, structures, or development regulations allowed in the district where they are located. It is the intent of this Ordinance to permit such nonconformities to continue only under certain conditions, but to discourage their expansion, enlargement, or extension. It is hereby declared that nonconformance with the provisions of this Ordinance is not in the Township's best interests and should be discontinued as circumstances permit.

The following table summarizes the regulations of nonconformities contained in this Chapter:

<b>Summary of Nonconforming Regulations</b>	
<b>Issue</b>	<b>Requirement</b>
<b>Period of non-use before nonconforming use must cease</b>	Six months
<b>Establishment of new conforming use</b>	Nonconforming use must cease
<b>Change in ownership or tenancy</b>	No effect on nonconformity
<b>Substitution of one nonconformity for another</b>	Not permitted
<b>Nonconforming contiguous lots under same ownership</b>	Must be combined
<b>Expansion of nonconforming use within building</b>	Not permitted
<b>Expansion of nonconforming use beyond existing building</b>	Not permitted
<b>Enlargement of nonconforming structure</b>	Not permitted
<b>Maintenance or structural repairs</b>	Generally permitted
<b>Renovation or modernization</b>	Permitted if nonconforming use is not expanded
<b>Rebuilding after catastrophe</b>	Permitted if damage less than 50% of pre-catastrophe fair market value (single-family residential uses and structures exempt).

**Section 902. General Regulations**

- (A) **Historic Properties.** Any nonconforming property in Buena Vista Charter Township that is listed on the state or national register of historic places is specifically excluded from any requirement of this chapter that would damage the historic character of the property.

- (B) **Continuation of Nonconforming Uses, Structures, and/or Buildings.** A nonconforming use may be continued and shall not be considered to be in violation of this Ordinance, provided that the use, structure, and land involved shall neither be structurally altered nor enlarged, unless otherwise permitted by this Ordinance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoration of any nonconforming structure or part thereof to a safe condition when said structure is declared to be unsafe by an order of an official charged with protecting the public safety.
- (C) **Buildings Under Construction.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any structure on which physical construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance or subsequent amendments, and upon which actual building construction has been diligently continued. Physical construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner.
- Where demolition or removal of an existing structure has been initiated preparatory to rebuilding or permanent construction, such work shall be deemed to be physical construction, provided that such work shall be continued diligently until completion of the structure involved.
- (D) **Discontinuation of Nonconforming Uses.** If any nonconforming use is discontinued, abandoned or ceases for any reason for a period exceeding six months any subsequent use of such land or structures and land in combination shall conform to the provisions set forth of the zoning district in which it is located.
- (E) **Recording of Nonconforming Uses and Structures.** The Zoning Administrator shall be responsible for making determinations as to the existence of legal nonconforming uses and structures, and for maintaining a record of such uses and structures. Failure on the part of a property owner to provide the Zoning Administrator with necessary information to make such determinations may result in denial of required or requested permits.
- (F) **Establishment of a Conforming Use or Structure.** If a nonconforming use or structure is replaced by a conforming use or structure, the nonconformity shall be deemed to be immediately and permanently removed.
- (G) **Change of Tenancy or Ownership.** A change of tenancy, ownership or management of any existing nonconforming use or structure shall be permitted, provided there is no change in the nature or character of such nonconformity, which shall otherwise be maintained in compliance with this Ordinance.
- (H) **Exceptions and Variances.** Any use or structure for which an exception or variance has been granted under this Ordinance shall not be deemed a nonconformity. Where a future amendment to this Ordinance causes a nonconforming situation regarding the exception or variance, the use or structure shall be deemed nonconforming as of the effective date of the Ordinance amendment.
- (I) **Creation of a Nonconformity is a Violation.** The establishment of a use, parcel, building or structure that does not conform to all requirements of this Ordinance is a violation thereof, except as provided in Section 1201(C)(5) regarding variances. When the Zoning Administrator becomes aware of an action that creates a violation, he or she shall pursue enforcement as outlined in Section 1203. However, actions of a governmental agency that is lawfully pursuing a public interest, such as acquisition of land for a right-of-way, do not create a violation.

- (J) **Reductions of the Degree of Nonconformance.** A reduction of a property's degree of nonconformance in one respect is not permitted to offset an increase in its degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another, nor may one nonconforming use be replaced by another.
- (K) **Interpretation.** When there is a question or dispute about the status of a structure, lot, or use that is considered nonconforming or unlawful in the zoning district where it is located, the Zoning Board of Appeal shall determine whether a nonconformity exists.

### **Section 903. Nonconforming Uses of Land**

Where at the effective date of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawfully provided:

- (A) **Expansion Restricted.** The nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of this Ordinance. No additional structure shall be erected in connection with such nonconforming use of land.
- (B) **Moving of Use.** The nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this Ordinance.
- (C) **Cessation.** If the nonconforming use of land ceases for any reason for a period of more than six consecutive months, such use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- (D) **Change of Non-Conforming Use.** The nonconforming use of land may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a more restrictive district, it shall not thereafter be changed to a nonconforming use or a use not permitted in the more restrictive district.
- (E) **Change of Tenancy.** There may be a change in tenancy, ownership or management of an existing nonconforming use, provided that there is no change in the nature of character of such nonconforming use.

### **Section 904. Nonconforming Uses of Structures**

If lawful use involving individual structures or of a structure and land in combination exists at the effective date of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (A) An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (B) If the nonconforming use of a structure ceases for any reason for a period of more than six consecutive months, such use shall conform to the regulations specified by this Ordinance for the district in which such use is located.

- (C) The nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this Ordinance, but the use shall not be extended to occupy any land outside such building.
- (D) If no structural alterations are made, the nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a more restrictive district, it shall not thereafter be changed to a nonconforming use or a use not permitted in the more restrictive district.
- (E) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the entire structure shall eliminate the nonconforming status of land.
- (F) There may be a change in tenancy, ownership or management of an existing nonconforming use, provided that there is no change in the nature of character of such nonconforming use.

### Section 905 Nonconforming Structures

Nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

- (A) **Expansion Restricted.** A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that would increase or intensify nonconformity shall be prohibited.
- (B) **Normal Repairs and Maintenance.** Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs and maintenance, or is declared by the Building Official/Code Enforcement Officer unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

This chapter shall not prevent work required for compliance with the provisions of the State Construction Code enforced by the Township.

- (C) **Buildings Under Construction.** Nothing in this Article shall require a change in the plans, construction or designated use of any building or structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that such work shall be completed within 365 calendar days of the effective date.
- (D) **Damaged or Unsafe Structures.** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, in excess of 50 percent of the structure's pre-catastrophe fair market value.
  - (1) **Non-residential structures.**
    - (a) Application for a building permit for such reconstruction shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period.

- (b) The lot and damaged structure shall be adequately secured from unauthorized access to the satisfaction of the Building Official's and/or Code Enforcement Officer's.
  - (c) Where pending insurance claims require an extension of time, the Building Official may grant one extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
- (2) **Single-Family Uses, Dwellings, and Their Customary Accessory Structures.** Nonconforming single-family uses, dwellings, and their customary accessory structures shall be exempt from this Section, provided that application for a building permit shall be made within 365 days from the date of damage or destruction
  - (3) **Condemned Structures.** Nonconforming structures that have been condemned or otherwise declared unsafe or uninhabitable by an authorized agent of the Township shall not thereafter be restored, repaired or rebuilt except in conformance with the standards of this Ordinance.

### Section 906 Nonconforming Lots of Record.

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

- (A) **Lot Division.** A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots.
- (B) **Use of Nonconforming Lot.** Use of a nonconforming lot of record shall be subject to the regulations of this Ordinance for the district where it is located, and the following:
  - (1) **Single-Family Residential Districts.** A single-family dwelling and its customary accessory structures may be erected on an existing lot of record that is nonconforming with respect to minimum lot area or lot width requirements, subject to the following:
    - (a) Such structures and uses are permitted in the district.
    - (b) Such structures and uses shall conform to all other zoning district dimensional standards.
- (C) **Nonconforming Contiguous Lots.** If two or more lots or combination of lots with contiguous frontage in single ownership are on record at the time of adoption or amendment of this Ordinance, and if all or parts of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be a single parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot width or area less than the requirements stated in the Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing single-family dwelling unit.
- (D) **Government Action.** The nonconformity resulted from land acquisition by a government agency, such as for a right-of-way shall not be considered nonconforming for the purposes of this chapter.

**Section 907. Cessation of Nonconformities by Township Action.**

The elimination of nonconforming structures and uses shall be considered to be for a public purpose. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.



## Chapter 10

### PUD, OPEN SPACE RESIDENTIAL, AND CONDOMINIUM REGULATIONS

#### Section 1001. Planned Unit Development (PUD).

- (A) **Intent.** It is the intent of this Article to allow the use of the Planned Unit Development process authorized by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended as an optional method of development. This section is intended to encourage innovation in land use patterns and variety in design for development of large parcels as well as encouraging economy and efficiency in provision of public services, and in the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values. PUD developments are allowed in the R-2, R-3, B-2 and TC zoning districts.
- (B) **Applicability.**
- (1) **Permitted Uses.** Any land use authorized in this Ordinance may be included in a Planned Unit Development as a principal or accessory use, provided that:
- (a) The predominant use on the site based on acreage shall be consistent with the uses specified for the parcel on the Township's Zoning Map. Where the predominant uses are not consistent with subsection (d) below, an amendment to the Zoning Map may be required prior to Planned Unit Development approval.
  - (b) There shall be reasonably harmonious relationship between the locations of buildings on the site relative to buildings on land in the surrounding area.
  - (c) Residential, neighborhood commercial, office, and public uses may be developed together in a Planned Development, provided the uses are compatible and complementary, demonstrating good site design and planning principles.
  - (d) The mix of uses and the arrangement of those uses within a Planned Unit Development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.
    - (i) **Percentage of Use for Residential Uses in Commercial Zoning Districts.** For a PUD located in the B-1 or B-2 zoning districts, residential uses may be permitted provided that such residential uses occupy not more than 50 percent of buildable acreage of the site.
    - (ii) **Percentage of Nonresidential Use in Residential Zoning Districts.** For a PUD located in the R-2 or R-3 zoning districts, non-residential uses may be permitted provided that such nonresidential uses occupy not more than 20 percent of buildable acreage of the site.
- (2) **Residential Density.** The maximum residential density shall be one dwelling unit for every 4,000 square feet of parcel area. Single-family or two-family dwellings shall meet the dwelling unit area requirements specified for the R-2 zoning district. Multiple dwellings shall conform to the R-3 requirements.

- (3) **Regulatory Flexibility.** To encourage flexibility and creativity consistent with the Planned Unit Development concept, departures from zoning regulations may be permitted, subject to review and recommendation by the Planning Commission and approval by Board of Trustees. For example, such departures may include, but shall not be limited to modifications to:

- (a) Minimum lot dimensions
- (b) Floor area standards
- (c) Setback requirements

- (4) **Open Space.** Planned Unit Developments shall provide and maintain usable open space on no less than 20 percent of the gross area of the site. Any pervious land area within the boundaries of the site may be included as required open space, except for land contained in public or private street rights-of-way, including boulevards and planting islands.

The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

- (a) Provide for maintenance of the privately owned open space by private property owners with an interest in the open space.
- (b) Provide maintenance standards and a schedule.
- (c) Provide for assessment of the private property owners by the Buena Vista Charter Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

- (5) **Frontage and Access.** Planned Unit Developments shall front onto a major thoroughfare or public collector street, as specified in the adopted Township Master Plan, except where the Planned Unit Development involves reuse or redevelopment of at least one (1) existing structure or redevelopment of a brownfield site.

Construction of private drives or secondary roads as a means of providing access to a public road shall be permitted in accordance with the standards and requirements of the Township and the Saginaw County Road Commission specifications for subdivision roads.

Individual residential units in a Planned Unit Development shall not have direct access onto a major thoroughfare or public collector street. The Planned Unit Development shall be designed so the traffic generated by non-residential uses is discouraged from traveling on residential streets.

- (6) **Parking.** Parking for uses in a PUD shall conform to the requirements of Chapter 6.

- (7) **Utilities.** All new utilities serving a Planned Unit Development, including electric, telephone, and cable television lines, shall be placed underground, wherever feasible.

- (8) **Privacy for Dwelling Units.** The design of a Planned Unit Development shall provide visual and sound privacy for any and all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.
  - (9) **Emergency Access.** The configuration of buildings, driveways, and other improvements shall allow convenient and direct emergency vehicle access.
  - (10) **Pedestrian and Vehicular Circulation.** A pedestrian circulation system shall be provided throughout the project that is insulated from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing streets, sidewalks, and bicycle pathways in the vicinity of the site.
  - (11) **Landscaping and Screening.** Landscaping and screening within a PUD development shall conform with the requirements of Chapter 7.
  - (12) PUD developments are subject to all other applicable sections of this zoning ordinance as determined by the Planning Commission and approved by the Township Board of Trustees.
- (C) **Application Requirements.** Applications for Planned Unit Development approval shall include all applicable data required for site plan review as specified in Section 1101 and any other Township requirements. In addition, the application shall include the following:
- (1) **Overall Plan for the Planned Unit Development.** The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial and other non-residential use; each type of open space; community facilities and public areas; and other types of land use.
  - (2) **Parallel Plan.** A parallel plan shall be submitted with any PUD application as follows:
    - (a) **Residential Density.** In no case shall the density of dwelling units within an approved Planned Unit Development exceed the density that could be achieved under the existing zoning district (underlying zoning). The number of residential dwelling units shall be determined in the following manner:

The applicant shall prepare, and present to the Planning Commission for review, a parallel plan for the proposed project that complies with State, County, and Township requirements and design criteria for a tentative preliminary subdivision plat, fully consistent with Public Act 288 of 1967, Land Division Act, as amended, the Township subdivision control regulations and/or Section 1003, Condominium Regulations. The Planning Commission shall review the design and determine the number of dwelling units that could be feasibly constructed if the parallel design for the underlying district were constructed. This number, as determined by the Planning Commission, shall become the maximum number of dwelling units allowable within the Planned Unit Development project.
    - (b) **Multi-Family Residential Planned Unit Development.** The parallel plan for a multi-family Planned Unit Development shall be submitted that

complies with standards for the R-3 district. The Planning Commission shall review the design of all plans submitted and, based upon typical review criteria, determine the maximum number of dwelling units that could be feasibly constructed on the site. A total number of units, as approved by the Planning Commission, shall become the maximum number of dwelling units allowable within the Planned Unit Development site.

- (c) **Non-residential District Planned Unit Development.** The parallel plan for a nonresidential development shall comply with site plan review standards for the applicable zoning district. The Planning Commission shall determine the appropriate intensity of development for the site. The Planned Unit Development shall not exceed the intensity of the parallel plan.
- (3) **Traffic Data.** Information concerning traffic generated by the proposed Planned Unit Development shall be submitted. Sufficient information shall be provided to allow the Township to evaluate the impact of the proposed development on adjoining roads, including the following: estimates of the volume of traffic generated by each use, the peak hour volume of traffic expected to be generated by the proposed development, a schematic drawing indicating vehicular movement through the site including anticipated turning movements, and measures being proposed to alleviate the impact of the development on the circulation system.
- (4) **Market Study.** Evidence of market need for the proposed use(s) and the feasibility of completing the project in its entirety shall be submitted. This requirement may be waived by the Planning Commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.
- (5) **Unified Control of Property.** The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Zoning Administrator and a unified ownership remains.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed by the applicant as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors (such as a Homeowners Association). These legal documents shall bind all development successors in title to any commitments made as a part of the documents.

(D) **Procedures and Requirements.**

- (1) **Amendment Required.** The approval of a Planned Unit Development proposal shall require an amendment to the Zoning Ordinance to revise the Zoning Map and designate the subject property as "Planned Unit Development." Approval of a Planned Unit Development proposal, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

- (2) **Summary of Review Procedures.** A summary of the steps involved in the review of Planned Unit Development applications follows:

<b>Step</b>	<b>Review Procedures</b>	<b>Ordinance Section</b>
1.	Optional pre-application conference	1001 (3)
2.	Submit conceptual review application	1001 (4)
3.	Planning Commission conceptual review	1001 (4)
4.	Submit preliminary review application	1001 (5)
5.	Public hearing held by Planning Commission	1001 (5)(b)
6.	Planning Commission preliminary review	1001 (5)
7.	State and County notification	1001 (5)(g)
8.	Township Board preliminary review	1001 (5)(h)
9.	Submit final review application	1001 (6)
10.	Planning Commission final review and action	1001 (6)(b)
11.	Township Board final review and action	1001 (6)

A detailed explanation of the review procedures follows.

- (3) **Optional Pre-Application Conference.** In order to facilitate review of a Planned Unit Development proposal in a timely manner, it is recommended that the applicant request an informal pre-application conference with Township Staff and any consultants requested by the Township to be present. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials. The applicant shall present at such a conference or conferences, at minimum:

- (a) A sketch plan of the proposed Planned Unit Development.
- (b) A legal description of the property in question.
- (c) The total number of acres in the project.
- (d) A statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use.
- (e) The number of acres and percentage of site to be preserved as open or recreational space.
- (f) All known natural resources and natural features to be preserved.
- (g) Any requested deviations from existing Zoning Ordinance requirements.

No formal action is taken at a pre-application conference and is used as a means of consulting the applicant on the process and to give initial feedback on the proposed development from Township Staff. Fees for the pre-application conference shall be charged per the Township’s adopted fee schedule.

- (4) **Conceptual Review.** Planned Unit Development projects are required to undergo a conceptual review process by the Planning Commission in order to facilitate a complete and thorough review prior to consideration. This requirement is deemed necessary because Planned Unit Development projects are generally large or complex projects with higher intensity development that could have a major impact on surrounding land uses.

- (a) **Information Required for Conceptual Review.** The information required for conceptual review shall be provided according to the requirements of Section 1001 of this Ordinance and shall be submitted to the Township.

- (b) **Effect of Conceptual Review.** The conceptual review **does not** constitute any form of approval of the Planned Unit Development or the site plan. The process is intended to give the applicant an indication of the issues and concerns that must be resolved prior to submission for Preliminary Plan Review of the site plan for the Planned Unit Development project.
  
- (5) **Preliminary Plan Review.** The preliminary site plan shall be subject to the site plan review requirements of this Ordinance, where applicable, as well as the additional requirements in this Section. The Preliminary Plan Review recommendation will constitute as a recommendation to the Township Board to approve, approve with conditions, or deny the rezoning of the property to PUD, Planned Unit Development District.
  - (a) **Information Required for Preliminary Plan Review.** The information required for preliminary review shall be provided according to the requirements of Section 1001. The application for preliminary PUD review shall include a draft PUD Agreement, which shall include terms and conditions of a PUD approval, along with the following information: the preliminary PUD application, concept plan, and draft PUD Agreement.
  
  - (b) **Public Hearing.** All Planned Unit Development projects shall undergo a preliminary review that shall be undertaken by the Planning Commission at a duly called public hearing held pursuant to all applicable notice requirements. Notice shall be in compliance with Section 1103, Public Hearing Procedures.
  
  - (c) **Effect of Preliminary Review.** Based on the standards and requirements set forth in this Ordinance and in this Section, the Planning Commission shall preliminarily approve, preliminarily approve subject to conditions, or deny the proposed Planned Unit Development project and site plan.
  
  - (d) **Effect of Preliminary Approval or Approval with Conditions.** A preliminary approval shall mean that the Planned Unit Development project and plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission as part of its motion, preliminary approval assures the applicant that the Planning Commission will recommend final approval if all of the following are met:
    - (i) All state and county approvals are obtained;
    - (ii) No unresolved negative comments are received by any governmental agencies or public utilities;
    - (iii) Required conditions of preliminary review are met; and
    - (iv) All federal, state and local laws and ordinances are met.

An unresolved negative comment shall be one that indicates that existence of a condition, which is contrary to the requirements of this Ordinance or other applicable ordinances, or laws, where such requirement has not been waived or dismissed as a result of an approval by the Planning Commission and Township Board.

- (e) **Effect of Denial.** A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance or does not provide a recognizable and substantial benefit. Any denial shall specify the

reasons for denial and those requirements of the Ordinance that are not met.

- (f) **Modification of Submittal.** If the Planning Commission determines that revisions are necessary to bring the Planned Unit Development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the Planned Unit Development proposal shall be placed on the agenda of the next scheduled meeting of the Planning Commission for further review and possible action.
- (g) **Saginaw County Planning Commission Review.** All applications for a PUD zoning district will be forwarded to the Saginaw County Planning Commission for review and comment per P.A. 110 of 2006, as amended. The County will have 30 days from receipt of the preliminary PUD site plan to provide the Township with comments. If comments from the County have not been received after 30 days, the preliminary development plan shall be forwarded to the Township Board.
- (h) **Township Board Preliminary Plan Review.** Upon receipt of the report and recommendations from the Planning Commission on the preliminary PUD plan and Saginaw County Planning Commission, the Board of Trustees shall take action to approve, approve with conditions, or deny.
- (i) **Effect of Action of the Preliminary PUD Plan.** Preliminary PUD plan approval is intended to provide direction for preparation of the Final PUD site plan, but shall not assure approval of the Final PUD site plan.

Preliminary PUD site plan approval shall expire in 2 years after the date of approval, unless the Final PUD site plan has been submitted to the Planning Commission for review. Upon written request, the Preliminary PUD plan approval may be extended for 1 year by the Township Board upon determining that site conditions have not changed in a way that would effect the character, design, or use of the site, and that the approved Preliminary Plan remains in conformance with the purpose of provisions of this Article and the goals and objectives of the Master Plan. If the Township Board denies the Preliminary PUD Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new Preliminary PUD Plan for further consideration.

(6) **Final Site Plan Review**

- (a) **State and County Approval.** All Planned Unit Development projects shall require the review and approval of the following agencies prior to final site plan approval:
  - (i) The Saginaw County Road Commission or, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the Michigan Department of Transportation;
  - (ii) The Saginaw County Drain Commissioner; and
  - (iii) The Saginaw County Health Department and the Michigan Department of Environmental Quality shall approve the fresh water system and the wastewater disposal system;

- (iv) Any other local, county, state or federal agency having jurisdiction over the project.

In the event that negative comments are received from any of these agencies, the Planning Commission shall consider the nature of such comments with respect to Ordinance requirements, conditions on the site, response from the applicant, and other factual data related to the issue or concern. Negative comments shall not automatically result in denial of the plan, but every effort shall be made to resolve any issues or concerns cited by these agencies prior to taking action on the plan.

- (b) **Planning Commission Final Review and Recommendation.** Final approval shall be considered by the Planning Commission upon the receipt of all the information required for final review in Section 1001 (E) (3).

- (i) **Final Approval by Planning Commission.** The Planning Commission shall review the application for Planned Unit Development, together with the public hearing findings and any requested reports and recommendations from the Building Official, Township Planner, Township Public Safety officials, Township Engineer, and other reviewing agencies. The Township Attorney shall review and comment on the proposed Planned Unit Development Agreement. The Planning Commission shall then make a recommendation to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

- (ii) **Approval.** Upon determination by the Planning Commission that the final plan for Planned Unit Development is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval.

- (iii) **Approval with Conditions.** The Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of a Planned Unit Development, to the extent authorized by law, for the purposes of ensuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be necessary to meet the intent and purpose of this Ordinance and the standards set forth in Section 1001( ), In the event that the Planned Unit Development is approved subject to specified conditions, such conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in Section 1001(10).

- (iv) **Denial.** Upon determination by the Planning Commission that a Planned Unit Development proposal does not comply with the standards and regulations set forth in this Ordinance, including



Section 1003, and does not create a recognizable and substantial benefit, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.

- (c) **Phased Plan Approval.** Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 1101, Site Plan Review provided that:
  - (i) The location and approximate size of such buildings shall be shown on the overall plan for the Planned Unit Development.
  - (ii) Detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in Section 1101.
  - (iii) A performance bond or other financial guarantee in an amount sufficient to install all public improvements for all phases of the project, and
  - (iv) Phasing requirements in this Ordinance shall be complied with.
  
- (7) **Township Board Final Site Plan Review.** The Township Board shall review the final plan and a proposed Planned Unit Development Agreement, together with the findings of the Planning Commission, and, if requested, any reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the Township Board shall approve, approve with conditions, or deny a Planned Unit Development proposal in accordance with the guidelines described previously in Section 1001(C).
  - (a) **Planned Unit Development Agreement.** If the Township Board approves the Planned Unit Development proposal, the Township and applicant shall execute the Planned Unit Development Agreement. The applicant shall record the PUD agreement in the office of the Saginaw County Register of Deeds.
  - (b) **Effect of Approval.** Approval of a Planned Unit Development proposal shall constitute an amendment to the Official Zoning Map. All improvements and use of the site shall be in conformity with the Planned Unit Development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in P.A. 110 of 2006, as amended. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved Planned Unit Development unless an amendment thereto is adopted by the Township upon request of the applicant or his successors.
  - (c) **Recording of Planning Commission and Township Board Action.** Each action taken with reference to a Planned Unit Development shall be duly recorded in the minutes of the Planning Commission or Township

Board as appropriate. The grounds for the action taken shall also be recorded in the minutes.

- (d) **Permits Required.** Following final approval of the Planned Unit Development proposal, a building permit may be obtained for the entire project or specific phases provided that final site plan approval for the project or the phase, as applicable, has been obtained in accordance with Section 1001(C), and provided further that the engineering plans for the project or the phase, as applicable, have been approved by the Township Engineer and Building Official. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.
  - (e) **Project Commencement.** Construction shall commence on the project within 24 months of final approval. The Township Board may issue a 12 month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site.
  - (f) **Performance Guarantee.** A performance guarantee shall be deposited with the Township to ensure faithful completion of all improvements, in accordance with Section 1202, Fees and Performance Guarantees.
- (8) **Zoning Board of Appeals Authority.** The ZBA shall have no authority to consider any appeal of a decision by the Board of Trustees or Planning Commission concerning a Planned Unit Development application. If a modification is required for a Planned Unit Development, it must be considered as an amendment to the Planned Unit Development, not a variance. Upon completion of the approval procedure, the ZBA shall have only limited authority to consider requests for variances of the dimensional standards related to construction of a single-family detached dwelling or an accessory structure for such a dwelling. Such request shall be considered by the ZBA in accordance with the rules and procedures as otherwise established for dimensional variances in this Ordinance.
- (9) **Expiration of Planned Unit Development Approvals.** If construction has not commenced within 24 months of publication of the PUD zoning amendment, any and all approvals become null and void and a new application for Planned Unit Development shall be required. The Board of Trustees may grant a 12-month extension, following a written request from the applicant, if the Board of Trustees finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for a time extension must be received prior to the site plan expiration date. In the event that an approved Planned Unit Development plan becomes null and void, the Planning Commission shall initiate proceedings to amend the zoning classification of the site.
- (10) **Revision to Approved Plans.**
- (a) **General revisions.** Changes to the approved Planned Unit Development plan that are not considered minor by the Zoning Administrator shall be reviewed in accordance with the procedures set forth in Section 1001(C) for approval of a new PUD proposal.
  - (b) **Minor changes.** Minor changes may be approved by the Zoning Administrator, subject to a finding that:

- (i) The proposed changes will not affect the initial basis upon which initial approval was granted.
- (ii) The proposed minor changes will not adversely affect the overall Planned Unit Development in light of the intent and purposes of such development as stated in Section 1001.
- (iii) The proposed changes will not affect the character or the intensity of use, the general configuration of buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.

Examples of minor changes include, but shall not be limited to additions or alteration to the landscape plan or landscape materials; alterations to the internal layout of an off-street parking lot, provided that the total number of spaces does not change; relocation of a trash receptacle changes in locations or tree types on an approved landscape plan, or location of designated parking spaces; or an increase in floor area of less than 20 percent of the initial total floor area, up to 5,000 square feet maximum.

(E) **Rescinding Approval of a PUD.** Approval of a Planned Unit Development may be rescinded by the Township Board upon determination that the approved PUD plan or PUD agreement have been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, approved PUD plan or PUD agreement. Such action shall be subject to the following:

- (1) **Public Hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 1103, Public Hearing Procedures, at which time the developer of the PUD project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- (2) **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

(F) **Application Data Requirements.**

- (1) **Requirements for Conceptual Review.** The following information for all Planned Unit Developments shall be provided prior to conceptual review, pursuant to Section 1001(C) (4)
  - (a) The name, address and telephone number of:
    - (i) All persons with an ownership interest in the land on which the Planned Unit Development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optioner, lessee, or land contract vendee).
    - (ii) All engineers, attorneys, architects or registered land surveyors associated with the project.

- (iii) The developer or proprietor of the planned unit development project.
- (b) Scale, north arrow, name of the Planned Unit Development, date plan drawn, and date of revisions.
- (c) General description of deed restrictions, if any.
- (d) The legal description of the land on which the Planned Unit Development project will be developed together with appropriate tax identification numbers.
- (e) The area of the land (in acres) on which the Planned Unit Development project will be developed.
- (f) An overall conceptual land use plan for the Planned Unit Development, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other non-residential uses; each type of open space; community facility and public areas; and other proposed land uses.
- (g) The conceptual land use plan shall also show the following information:
  - (i) A general location map.
  - (ii) The vehicular circulation system planned for the proposed development.
  - (iii) The location, name, and right-of-way of existing private and public streets and/or recorded easements adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.
  - (iv) The approximate layout of dwelling units, parking, open spaces, and recreation/park areas.
- (h) Approximate number of non-residential buildings and residential units to be developed on the subject parcel.
- (i) Existing topographic survey (minimum contour interval of two feet) and soils inventory based on the Livingston County Soils Survey.
- (j) General locations and approximate dimensions of wetland areas and significant site features such as tree stands, wooded areas, unusual slopes, streams, marshes, and other water drainage areas.
- (k) A description of the proposed sewage treatment and water supply systems. .
- (l) A map showing existing zoning designations, owner, and use for the subject property and all land within one quarter mile. The location and

outline of buildings, drives, parking lots, and other improvements on the adjacent properties within 100 feet of the property boundaries and curb cuts on sites on the opposite sides of the road shall be included.

- (m) Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, and culverts. All improvements to remain and to be removed shall be clearly indicated.
  - (n) Existing public utilities on or serving the property including location and size of water lines and hydrants; location, size, and inverts for sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of well, septic tanks, and drain fields.
  - (o) A map and written explanation of the relationship of the proposed Planned Unit Development to the Township's Master Plan for Future Land Use.
  - (p) Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features that shall be considered include existing vegetation, topography, watercourses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.
  - (q) Documentation indicating the applicant's development experience.
- (2) **Requirements for Preliminary Review.** The following information shall be included on, or attached to, all Planned Unit Development plans submitted for preliminary review per Section 1001(C)(5):
- (a) All preceding information required for conceptual review.
  - (b) A detailed overall plan for the Planned Unit Development which shows all of the information required on the conceptual land use plan plus the following:
    - (i) Locations and setbacks of each structure and use in the development.
    - (ii) Typical layouts and facade design for each type of use or building.
    - (iii) The building footprint of proposed buildings. In the case of single-family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.
    - (iv) The vehicular circulation system planned for the proposed development, including a designation of each street as to whether it is proposed to be private or dedicated to the public.
    - (v) The proposed layout of parking areas, open space, and recreation/park areas.
    - (vi) Proposed landscape screening along the perimeter and within the site, including greenbelts, berms and screening walls.

- (c) The number of non-residential and residential units to be developed on the subject parcel.
- (d) A preliminary grading plan for the entire site illustrating spot elevations at high and low points and contour lines at 2-foot minimum intervals. The contour lines shall demonstrate drainage patterns, and demonstrate that the proposed grading will match the existing grade before or at the property line without having a negative impact on adjacent properties.
- (e) Specific locations and area of wetland areas, as delineated by a qualified wetland specialist, and significant site features such as tree stands, wooded areas, unusual slopes, streams, marshes, and other water drainage areas. Groups of trees shall be shown on an approximate outline of the total canopy; individual trees of eight (8) inch caliper or larger and individual evergreen trees eight feet in height or higher, where not a part of a group of trees, shall be accurately located on the site plan. All natural features to remain and to be removed shall be clearly indicated.
- (f) A description of the proposed sewage treatment and water supply systems, including a schematic layout of the sanitary sewer and water mains.
- (g) A description of the proposed storm water management system to include the preliminary design of the storm sewer and detention facility. A schematic layout of the storm sewer and location of detention facility shall be illustrated to the required volume.
- (h) Location of sidewalks along roads and elsewhere within the development.
- (i) An analysis of the traffic impact of the proposed Planned Unit Development on existing and proposed streets.
- (j) A general schedule for completing the Planned Unit Development, including the phasing or timing of all proposed improvements.
- (k) A proposed Planned Unit Development Agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and upon which approval of the Planned Unit Development proposal will be based. The Planned Unit Development Agreement shall, at minimum, include the following:
  - (i) A description of the land that is subject to the Agreement.
  - (ii) A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
  - (iii) A list of all plans, documents, and other materials submitted by the applicant.
  - (iv) Proposed construction phasing schedule for the entire Planned Unit Development.
  - (v) Review and explanation of all special provisions agreed to by the

applicant and Township during the course of review of the Planned Unit Development proposal.

- (vi) An explanation of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed Planned Unit Development project.
- (vii) A description of any required dedications and permits.
- (viii) Duration of the Planned Unit Development Agreement, along with terms under which a termination date may be extended by mutual agreement.
- (ix) Applicability of future amendments to the general zoning regulations to land that is subject to the proposed Planned Unit Development Agreement.
- (x) Extent to which the Planned Unit Development plan may be amended or otherwise modified and the procedure for amendment in order to specify if such amendment is subject to administrative approval, Planning Commission approval, or Township Board approval.

(3) **Requirements for Final Review.** The following information shall be included on, or attached to, all Planned Unit Development Plans submitted for final review, regardless of size per Section 1001(C)(6):

- (a) All information required for conceptual and preliminary review as specified in Sections 1001 (E) (1) and (2), previously, as applicable.
- (b) Detailed site plans, including construction and engineering, for all buildings and uses which the applicant intends to begin construction on immediately upon final Planned Unit Development approval. Where construction is not proposed to begin immediately or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans, including construction and engineering, for each facility or phase.
- (c) Such plans shall at a minimum include the following:
  - (i) Engineering plans for all roads, drive aisles, and paved areas.
  - (ii) Final site grading and drainage plans, including retention and/or detention areas.
  - (iii) Engineering plans for proposed utility systems, including sanitary sewerage and water systems.
  - (iv) Plans for controlling soil erosion and sedimentation during construction.
- (d) Following approval of a Planned Unit Development proposal and an amendment to the Zoning Ordinance, final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.

**Section 1002. Residential Open Space Development Option**

This Section establishes provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

- (A) **Purpose.** The purpose of this development option is to preserve prime farmlands and open space in the Township by providing an alternative method for residential development, which allows the same number of home sites to be developed per Article 5, Schedule of Regulations, but clustered on no more than 50 percent of the land area. The remaining unused land shall exist perpetually in an undeveloped state by means of a conservation easement or similar legal means that runs with the land.
  
- (B) **Scope.** Land in the AG-2, Dispersed Residential, R-1, Single Family Residential, and R-2, One and Two Family Residential Districts may be developed according to the standard conditions and requirements of this Ordinance, or in accordance with the open space preservation option of this Section. No portion of the development site shall have previously been part of an open space preservation option development. If the open space preservation option is selected, such land shall be developed in accordance with the conditions and requirements of this Section, and other applicable standards of this Ordinance.
  
- (C) **Qualifying Conditions.** To be eligible for approval as a residential open space development, the applicant shall demonstrate to the Planning Commission's satisfaction that all of the following criteria have been satisfied:
  - (1) The land is zoned for residential development at a density of two (2) or fewer dwelling units per acre if not served by a publicly-owned and operated sanitary sewer system; or a density of three or fewer dwelling units per acre if served by a publicly-owned and operated sanitary sewer system.
  - (2) The development of land under this Section shall not depend upon the extension of a public sanitary sewer or water supply system by the Township.
  - (3) The clustering option allowed under this Section shall not have previously been exercised on the same land.
  - (4) Clustering of the dwelling units shall occur in a manner that preserves the basic amenities and qualities normally associated with single-family living (including privacy, personal open space, and adequate natural lighting and ventilation), while still allowing for innovative site layout and open space areas.
  
- (D) **Conceptual Review.** Applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, and designated Township consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and Township land development policies and procedures, prior to submitting plans for formal review.
  - (1) Any person may also request that a conceptual open space development plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment.
  - (2) The Township Board may set a fee for conceptual review of open space development plans to defray costs associated with such reviews.



- (3) Comments and suggestions by the Township regarding a conceptual open space development plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of an application for approval under this Section.
- (E) **Development Review.** Applications for residential development approval under the open space preservation option of this Section shall be reviewed following the same procedures used for review and approval of:
- (1) A subdivision plat under the provisions of the Land Division Act, P.A. 288 of 1967, as amended; or
  - (2) A condominium subdivision (site condominium) development under Section 1003, Condominium Regulations and the Condominium Act, P.A. 59 of 1978, as amended; or
  - (3) A detailed site plan, per the site plan approval process specified in Section 1101, Site Plan Review Procedure, for applications that include a proposed metes and bounds (unplatted) land division under the provisions of the Land Division Act, P.A. 288 of 1967, as amended.
- (F) **Required Information.** Applications for approval of a residential development under this open space preservation option shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:
- (1) **Fees.** Appropriate fees, as set the Township Board.
  - (2) **Parallel Plan.** The applicant shall submit a conceptual plan for the purpose of demonstrating the number of units that could be developed under the existing zoning using traditional techniques, subject to the following:
    - (a) This parallel plan shall be consistent with the standards of this Ordinance, including all standards of Article 5, Schedule of Regulations.
    - (b) The plan shall identify all portions of land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting residential development.
    - (c) The plan layout shall show the location and width of all necessary road rights-of-way and stormwater management areas serving the conceptual development lots.
    - (d) The plan layout shall conform to all county and state requirements for single-family residential development, and shall not impact wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).
  - (3) **Conservation Easement.** Documentation of a proposed conservation easement or similar irrevocable legal instrument that runs with the land, to be used to ensure that the open space will be maintained in an open and undeveloped state in perpetuity.
  - (4) **Development Plan.** The development plan shall include all information required for the type of development approval requested (metes and bounds land division,

subdivision plat or site condominium development). The development plan shall further include the following:

- (a) A site features inventory identifying active agriculture areas, topography at two foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils based upon U.S. Soil Conservation Survey, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site.
  - (b) Date, north arrow, and scale. Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.
  - (c) Documentation from the Saginaw County Health Department, Michigan Department of Environmental Quality (MDEQ) or other agency with jurisdiction that each of the lots and dwellings can be adequately served by private well, septic or wastewater treatment systems; or documentation that the proposed dwellings will be served by existing or planned publicly-owned and operated water or sanitary sewer services.
  - (d) Layout of all proposed roads, including the location and width of proposed rights-of-way, and the layout and design of proposed pedestrian paths, driveway curb cuts, and other improvements intended to serve individual lots in the development.
  - (e) Location of all utilities that would be necessary to serve the development and which would not be located within any public right-of-way or private road easement. Such utilities may include stormwater retention or detention basins, community sewage treatment systems, and community water supply systems.
  - (f) If the development requires septic tanks and drain fields the location of each shall be indicated. The applicant will also provide the required permits of approval from the Saginaw County Health Department.
  - (g) The total number of acres to be developed; percentage of development area to total site area; and location and layout of each proposed lot (including building envelope, setbacks, and lot area, width, and frontage).
  - (h) The location and layout of all land areas to remain undeveloped, plus the total number of acres of land to remain undeveloped and percentage of undeveloped area to total site area.
  - (i) Location and proposed use of all proposed structures and improvements, other than dwelling units.
  - (j) Any additional information requested by the Zoning Administrator or Planning Commission to demonstrate compliance with the development standards of this Section, and the applicable requirements of this Ordinance.
- (G) **Development Standards.** Every lot developed or to be developed with the open space preservation option shall comply fully with all of the following requirements:

- (1) **Permitted Residential Density.** The overall residential density of the open space development shall not exceed the maximum number of lots permitted for the parent parcel, as shown on the approved parallel plan.
  - (a) Non-dwelling units within the development (such as a clubhouse) shall be subject to all the requirements of this Section, and further shall be subject to all other Township ordinances applicable to the type of structure proposed.
  - (b) If non-dwelling structures are developed on the site, no reduction in the number of dwelling units shall be required. However, a lot shall be created for the non-dwelling unit and the required 50 percent of open space shall be maintained.
- (2) **Minimum Required Open Space.** A minimum of 50 percent of the gross lot area of the parent parcel shall be retained and maintained in perpetuity as permanent open space.
- (3) **Lots Abutting Open Space.** All dwelling units shall be so situated as to have at least one side of the lot abutting onto the open space area. In addition, the open space shall be accessed by a 15-foot easement (for ease of access for equipment, etc for maintenance, or other acceptable uses of the provided open space). The Planning Commission may waive this requirement for all or a portion of the proposed development lots upon determination that an alternative layout satisfies the purpose and intent of this Section.
- (4) **Variety in Dwelling Unit Design.** Variety in the design of individual units shall be provided by the use of design details that do not appear to be continuous or repetitious. Overly repetitious exterior design patterns, as determined by the Planning Commission, shall be prohibited.
- (5) **Perimeter Landscaped Buffer.** The Planning Commission may require that a landscaped greenbelt, berm or other buffer be provided along the perimeter of the development site, per Section 705, Methods of Screening.
- (6) **Roads.** All roads planned to serve the development within the Open Space Preservation Plan shall conform to the standards of the Saginaw County Road Commission.
- (7) **Dimensional Standards.** The standards of Section 309, Table of Dimensions shall apply to lots created under this Section, subject to the following:
  - (a) **Minimum Building Separation.** The minimum spacing between dwelling units constructed under this option shall be at least 25 feet.
  - (b) **Minimum Floor Area.** The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the zoning district.
  - (c) **Minimum Yard Setbacks.** The minimum yard setback standards of the zoning district shall apply to lots created under this open space preservation option, subject to the following:
    - (i) At the option of the landowner, the minimum lot area, lot width, and yard setbacks may be reduced, subject to a Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.

- (ii) All dwelling units shall be setback a minimum of 25 feet from any road right-of-way, as measured from either the public right-of-way dedication or from the private right-of-way easement.
  - (d) **Minimum Lot Size.** The minimum lot area and lot width standards of the zoning district shall apply to lots created under this open space preservation option, subject to the following:
    - (i) At the option of the landowner, the minimum lot area and lot width may be reduced, subject to a Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.
    - (ii) Lots created under this option shall contain adequate lot area and width to provide for development of a principal dwelling and customary accessory structures without need for a variance.
    - (iii) Lots that directly abut the outer perimeter of the development site shall be designed to be reasonably consistent with adjacent uses, as determined by the Planning Commission.
- (H) **Standards for Open Space.** At least 50 percent of the land proposed for development under the provisions of this Section shall remain perpetually in an undeveloped state by means of a conservation easement or similar legal instrument that runs with the land, as approved by the Township Attorney. Such open space preservation area shall conform to the following standards:
  - (1) Open space shall be arranged to maximize preservation of prime farmlands, woodlands, natural stands of large trees, wildlife corridors or natural habitat areas or unusual topographic features.
  - (2) Undeveloped lands may be arranged to interconnect with and be contiguous to existing or planned open space areas on abutting parcels, to the maximum extent practical.
  - (3) Use of preserved open space shall be limited to outdoor recreation, hunting (where permitted), recreational trails, parks and playgrounds, and similar uses, as determined by the Planning Commission.
  - (4) The open space may, but is not required to be dedicated to the use of the public.
  - (5) All structures shall be located outside of land area designated as preserved open space. Only those structures or improvements that are consistent with the approved development plan and the terms of the conservation easement shall be permitted within the designated open space area.
  - (6) The following areas shall not be considered in the calculation for open space:
    - (a) Areas within utility easements.
    - (b) Required yard setback areas for individual lots, and areas within required perimeter landscaped buffers.
    - (c) Areas occupied by golf courses or off-street parking lots.

- (d) Land areas occupied by stormwater detention or retention basins or privately owned and operated wastewater treatment systems or community septic fields.
- (I) **Conservation Standards.** The applicant shall provide a copy of the conservation easement or similar legal instrument that would run with the land and have the legal effect of preserving in perpetuity in an undeveloped state the open space required by this Section. Examples of such a legal instrument include a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, PA 197 of 1980, as amended. The legal instrument shall be subject to the following minimum requirements:
- (1) **Review and Recording.** Such legal instrument shall be reviewed and approved by the Township Attorney prior to recording. After approval by the Township, the applicant shall record the conservation easement or similar legal instrument with the Saginaw County Register of Deeds office, and shall provide proof of recording and a copy of the recorded documents to the Township.
  - (2) **Irrevocable Conveyance.** At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization or other public body with authority and ability to ensure that the open space will remain undeveloped.
  - (3) **Permitted Uses and Development.** The instrument shall specify the allowable use(s) of the open space.
  - (4) **Development Plan.** The instrument shall require that the open space be maintained in perpetuity in an undeveloped state, without structures or other improvements, except as shown on the approved development plan. The development plan shall be attached to the recorded instrument as an exhibit.
- (J) **Amendments and Appeals.** No part of an open space preservation plan can be appealed to the Zoning Board of Appeals. Regulatory modifications are not subject to variance approval and any deviation from an approved development plan shall require approval by the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner within the development area from seeking a variance following final approval of an open space preservation plan, provided such variance shall not involve alterations to open space areas as shown on the approved plan. An approved open space preservation plan, including any conditions of approval, shall not be altered except upon approval by the Planning Commission.
- (K) **Performance Guarantees.** Based on review of the development plan and other application materials, the Planning Commission may require a performance guarantee, per the standards of Section 1202, Fees and Performance Guarantees.

### **Section 1003. Condominium Development.**

- (A) **Purpose.** The purpose of this Section is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance and the Condominium Act, P.A. 59 of 1978, as amended. Condominium projects shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act, P.A. 59 of 1978, as amended, condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the

purposes of enforcing the Township's site development standards. The intent of this Article is to ensure that condominium subdivision (site condominium) subdivisions are developed in compliance with all applicable standards of this Ordinance and the Land Division Act, P.A. 288 of 1967, as amended, except that the review procedures of this Article and Ordinance shall apply.

It is the intent of this Article that review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a traditional subdivision under the Land Division Act, P.A. 288 of 1967, as amended, except that nothing in this Article shall be construed to require a site condominium development to obtain plat approval.

(B) **General Requirements.** The following regulations shall apply to all condominium units.

(1) **Types of Permitted Condominium Units.** The following types of condominium units shall be permitted under this Article, subject to conformance with the use and zoning district standards of this Ordinance:

(a) **Single-family Detached Units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.

(b) **Attached Residential or Multiple-family Residential Units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance and the applicable zoning district.

(c) **Non-residential Condominium Units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district.

(d) **Manufactured Home Condominiums.** These projects are regulated as manufactured home developments under Sections 121 through 127 of the Condominium Act, P.A. 59 of 1978, as amended. A manufactured home condominium shall comply with the standards of this Ordinance for mobile home parks, the Mobile Home Commission Act and the Michigan Administrative Code. Manufactured home community conversion projects must also comply with Rules 101-903 of the Department of Energy, Labor and Economic Growth condominium rules and the Manufactured Housing Commission rules R125.1902a and 1905.

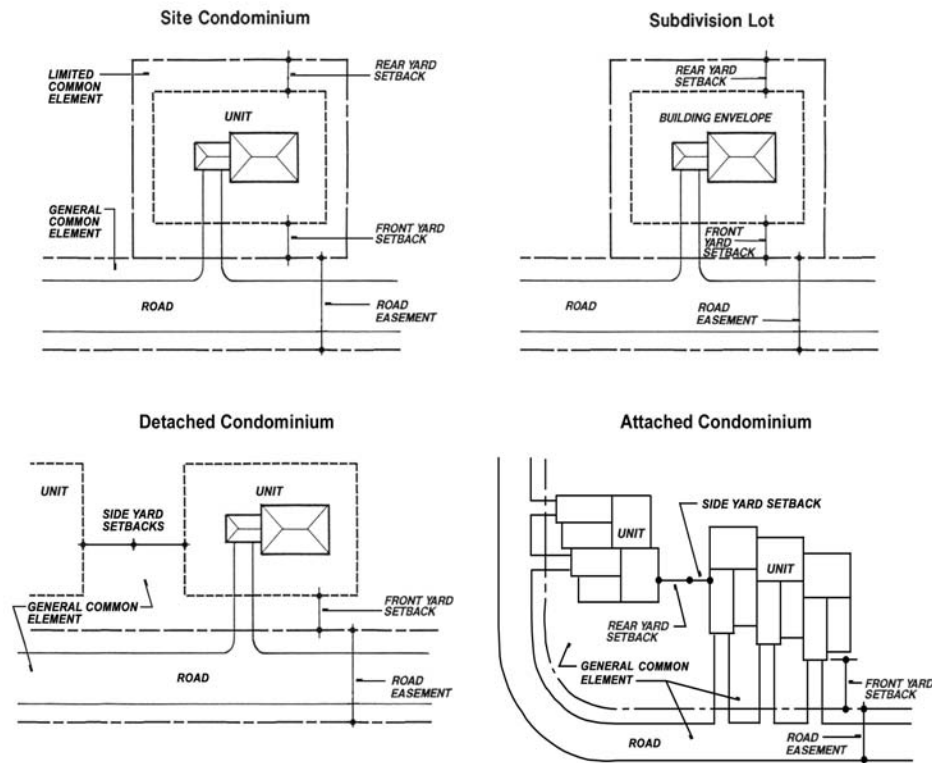
(2) **Condominium Unit or Site Condominium Lot.** For purposes of this Section and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as referenced in the Land Division Act, P.A. 288 of 1967, as amended, and shall comply with the dimensional standards of the zoning district.

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan.

- (3) **Area Computation.** The minimum area of the site condominium unit and the surrounding limited common element shall be equivalent to the minimum lot area and lot width requirements for the zoning district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.
- (4) **Relocation of Lot Boundaries.** The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, P.A. 59 of 1978, as amended, shall comply with the requirements of Article 5, Schedule of Regulations, and shall be subject to the review procedures specified in Section 12.01C, Site Plan Review Procedure.

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, P.A. 59 of 1978, as amended, shall comply with the requirements of Article 5, Schedule of Regulations or shall be placed into common areas within the project.

- (5) **Roads.** All condominium projects shall require direct access and direct connection to a public road from the project site. All public and private streets within a condominium project shall conform to the standards and specifications of this Ordinance and those established by Saginaw County Road Commission for road design and maintenance, and shall be located within an approved and dedicated right-of-way of sufficient width and design to accommodate street pavement, sidewalks, and all necessary utilities.



## Condominium Terminology

- (C) **Review Requirements.** A condominium project shall be subject to the site plan review procedures specified in Section 1101, Site Plan Review, and the following:
- (1) **Conceptual Review.** To minimize time, costs and interpretation of Township development requirements, applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, or designated Township consultants to discuss a conceptual condominium site plan, site issues and application of Ordinance standards, prior to submitting plans for formal review.
    - (a) Any person may also request that a conceptual condominium site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the minimum information required by Section 1003(D)(1), Conceptual Condominium Plan Requirements.
    - (b) Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the



equivalent of an initial plat investigation, as referenced in the Land Division Act, P.A. 288 of 1967, as amended.

- (2) **Condominium Site Plan Review.** Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of a condominium site plan by the Planning Commission. The plan shall include all information required by Section 1003(D)(2), Condominium Site Plan Requirements.

The Planning Commission shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in Section 1101, Site Plan Review.

For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as referenced in the Land Division Act, P.A. 288 of 1967, as amended.

- (a) **Effect of Approval.** Approval of a condominium site plan shall mean that the plan meets the requirements of this Ordinance and other applicable Saginaw Charter Township regulations, subject to any conditions imposed by the Planning Commission as part of its motion of approval.
- (b) **Effect of Denial.** A denial shall mean that the condominium site plan does not meet the requirements of this Ordinance and other applicable Township regulations. Any motion of denial shall specify the reasons for the denial and those requirements that are not met.
- (3) **Expiration of Approval.** Condominium site plan approval shall be valid for a period of 24 months from the date of Planning Commission approval. Upon written request from the applicant, one extension of up to 365 days may be granted if the approved condominium site plan adequately represents current conditions on and surrounding the site.
- (4) **Outside Agency Permits or Approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.
- (5) **Condominium Construction Plans.** Prior to receiving a permit for construction of any improvements to the land, each condominium project shall be subject to administrative review and approval of a condominium construction plan by the Building Official and/or Township Engineer. When it is determined that the site design or improvements shown on the construction plan have been materially altered from that shown on the approved condominium site plan, such plans shall be submitted to the Planning Commission for review and approval as an amended site plan.
- (a) For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as referenced in the Land Division Act, P.A. 288 of 1967, as amended.
- (b) A condominium construction plan application shall be reviewed and acted upon in accordance with the review procedures and standards specified in Section 1003(D)(3), Construction Plans.
- (c) Following construction plan approval, the Building Official may issue applicable permits for construction.

(D) **Required Plan Information.**

(1) **Conceptual Condominium Plan Requirements.** The following information shall be included with a conceptual condominium site plan:

- (a) **Ownership interest.** Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
- (b) **Proposed use.** The proposed use(s) of the condominium project.
- (c) **Density.** The total acreage of the condominium site, acreage set aside for road rights-of-way, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
- (d) **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) for private ownership or dedication to the public.
- (e) **Road layout.** The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
- (f) **Unit lot orientation.** The proposed layout of structures, unit lots, parking areas, open space and recreation areas.
- (g) **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
- (h) **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.

(2) **Condominium Site Plan Requirements.** The following information shall be included with a condominium site plan:

- (a) **Site plan information.** All information required for a site plan review, as specified in Section 1101 (N), Required Information for Site Plans. For condominium subdivision (site condominium) developments, all information required for preliminary plat approval shall be provided on the condominium subdivision plan.
- (b) **Condominium restrictions.** All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
- (c) **Common areas defined.** Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.

- (d) **Documents.** The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for Township review.
- (e) **Additional information.** The following additional information shall be submitted for Township review:
  - (i) Cross sections of roads, driveways, sidewalks, and other paved areas.
  - (ii) Details of any proposed sanitary, storm, and water system improvements.
  - (iii) Preliminary approval by the Township Engineer and the appropriate County agencies having jurisdiction.
  - (iv) All condominium documents as defined in this Ordinance.
  - (v) All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.
- (3) **Condominium Construction Plan Requirements.** The following shall be submitted to the Township as part of any construction or engineering plans for a condominium project:
  - (a) **Revised Pan.** A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.
  - (b) **Outside Agency Approvals.** Verification of all required state and county approvals or comments pursuant to Section 1101 (N), Outside Agency Permits or Approvals.
  - (c) **Section 71 Comments.** Presentation of all comments pursuant to Section 71 of the Condominium Act, P.A. 59 of 1978, as amended.
  - (d) **Condominium Documents.** Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium construction plan (Exhibit B).
- (E) **Project Standards.** The following standards are applicable to condominiums:
  - (1) **Use Standards.** Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.
  - (2) **Subdivision Requirement.** The substantive requirements for roads, utilities, storm drainage, lots, and other improvements necessary to serve the development, as referenced in the Land Division Act, P.A. 288 of 1967, as

amended, shall apply to all condominium subdivision (site condominium) projects.

- (3) **Setbacks.** The setback requirements of the underlying zoning district, as specified in Section 309, Table of Dimensions, shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be measured from the perimeter of the condominium lot or road right-of-way line to the nearest part of the structure or building envelope.
- (4) **Utility Connections.** Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems, where such services are available. Private well or septic services shall conform to county and state requirements, and proof of permits and approvals for such facilities shall be provided to the Township.
- (5) **Roads and Access.** The internal circulation system shall provide adequate means of access and circulation, subject to the following:
  - (a) **Roads.** The proposed development shall provide logical extensions of existing or planned public and private roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Roads shall be designed to meet the standards of the Saginaw County Road Commission or the Township, as applicable.
  - (b) **Pedestrian Pathways.** To provide access to all common areas and uses, the Planning Commission may require any of the following pedestrian facilities to be provided within and through a condominium development:

Minimum five-foot wide concrete sidewalks along interior and perimeter roads serving a condominium development.
  - (c) **Traffic Impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood.
- (6) **Infrastructure and Other Site Improvements** Drainage and utility facilities and improvements shall meet or exceed applicable Township, county, and state requirements.
  - (a) **Underground Utilities.** Utilities serving the development shall be installed underground, except where the applicant demonstrates to the Planning Commission's satisfaction that underground installation is impractical or cost prohibitive.
  - (b) **Stormwater Management.** Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's natural features. Stormwater basins shall be designed to emulate a naturally formed or free form depression. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative, in the determination of the Planning Commission.

- (F) **Conversion Condominiums.** All conversion condominium projects shall be subject to the dimensional requirements of the Zoning Ordinance and shall require site plan approval by the Planning Commission prior to the occupancy of any unit converted to a condominium unit. The site plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed site changes. The Planning Commission shall review the site plan for a condominium conversion in the same manner as a new development on the site.
- (G) **Monuments.** All condominium subdivision (site condominium) projects shall be clearly marked with monuments placed in the ground as follows:
- (1) **Materials.** Monuments shall be made of solid iron or steel bars or pipes at least one-half ( $\frac{1}{2}$ ) inch in diameter and 18 inches long, or other markers approved by the Township. The Township may require monuments to be completely encased in concrete at least four inches in diameter.
  - (2) **Location.** Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of roads and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.
    - (a) **Reference.** If a required monument location is inaccessible or impractical, a reference monument shall be placed nearby with the precise location clearly indicated on the plans and referenced to the true point.
    - (b) **Steel rods.** If a monument point is required to be on a bedrock outcropping or other hard surface, a steel rod, at least one-half ( $\frac{1}{2}$ ) inch in diameter shall be drilled and grouted to a depth of at least eight inches.
    - (c) **Set at grade.** All required monuments should be placed flush with the surrounding grade where feasible.
    - (d) **Condominium unit corners.** Permanent field monuments shall identify each site condominium unit corner, as defined by reference to appropriate condominium project monuments.
  - (3) **Timing.** The Township Board may waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits a performance guarantee with the Zoning Administrator in an amount sufficient to cover the costs for placing such monuments and markers, subject to the requirements of Section 1202, Fees and Performance Guarantees.

The period shall not exceed 365 days after the date of condominium construction plan approval. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to forfeiture of the performance guarantee, and completion of the placement under the direction of the Zoning Administrator.

- (4) **Proof of Inspection.** Upon completion of the setting of monuments as required by this Section, the applicant or developer shall submit a report to the Zoning Administrator from a licensed, independent surveyor.
    - (a) The report shall include proof of inspection and verification of all monument locations.
    - (b) The Township reserves the right to establish and maintain a list of approved surveyors, and may conduct additional inspections to verify the report's findings.
  - (5) **Unit Sales.** Upon completion and approval of the Final Condominium site plan and documents and prior to the sale of units, all units shall be numbered at the road.
- (H) **Post Construction Requirements.**
- (1) **Document Submittals.** It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Zoning Administrator:
    - (a) Two copies of the recorded Master Deed and all restrictive covenants as approved by the Township Attorney.
    - (b) One mylar copy and five prints of the project site plan and an "as built survey," sealed by a licensed professional engineer, landscape architect or similar certified professional.
    - (c) One copy of the project site plan and an "as built survey" in an electronic format acceptable to the Township.
  - (2) The Zoning Administrator may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Administrator to do so.
  - (3) The developer or proprietor shall also record all condominium documents and exhibits with the Saginaw County Register of Deeds office in a manner and format acceptable to the County.
  - (4) **Plan Revisions.** If the condominium construction plan [Exhibit B, as required by the Condominium Act, P.A. 59 of 1978, as amended] is revised, the revised plan shall be submitted to the Township for review and approval in accordance with Section 1101(H), Revisions to Approved Site Plans.
  - (5) **Amended Documents.** Amendments to any condominium document that significantly impact the approved condominium site plan, or any conditions of the condominium site plan approval, shall be submitted to the Planning Commission for review and approval. The Zoning Administrator may also submit the documents to the Township Attorney and designated Township consultants for review and comment.
  - (6) **Condominium Site Plan Expiration.** Condominium site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one extension of final approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site,

and that the approved plan remains in conformance with all applicable provisions of this Ordinance.

- (7) **Rescinding Approval of a Condominium Site Plan.** Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 1101(H), Rescinding Site Plan Approval.

**Chapter 11**  
**PROCEDURES AND STANDARDS**

**Section 1101. Site Plan Review.**

(A) **Purpose.** The site plan approval procedures of this Chapter are instituted to provide an opportunity for the Buena Vista Charter Township Planning Commission to review the proposed development, alteration, and use of a site in relation to drainage, pedestrian and vehicular circulation, parking, structural relationships, utilities, screening, accessibility, and other site design elements. The purpose of this Section is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances.

Flexible review standards have been established to ensure that the type of review and amount of required information is proportionate to the project's scale and use intensity. It is the further purpose of this Article to protect natural resources, minimize adverse impacts on adjoining or nearby uses and land, encourage cooperation and consultation between the Township and the applicant, and facilitate development in accordance with the Township's Master Plan.

(B) **Site Plan Not Required.**

- (1) Farming and active agricultural uses, as defined in Section 202, Definitions.
- (2) One single-family dwelling and its customary accessory structures on a single residential lot of record.
- (3) Family child day care homes, as licensed by the State of Michigan.
- (4) Home occupations listed in Section 202, Definitions, Home Occupations, as a permitted accessory use.

(C) **Site Plan Required.** The following shall require submission and approval of a site plan prior to establishment, construction, expansion or structural alteration of any structure or use.

- (1) All special approval uses, subject to the provisions of Section 1102, Permitted Uses after Special Approval.
- (2) All structures and uses in the A-1, A-2, , R-1, R-2 and R-3, Mobile Home Districts, except for those listed in Section 1101(B)
- (3) All structures and uses in the T-C, Town Center District.
- (4) All structures and uses in the B-1, B-2, and B-3, Business districts.
- (5) All structures and uses in the M-1 and M-2, Industrial districts.
- (6) Construction, expansion or alteration of a residential open space development subject to the provisions of Section 1002, Residential Open Space Development Option.
- (7) Construction, expansion or alteration of a condominium development subject to the provisions of Section 1003, Condominiums.
- (8) Construction, expansion or alteration of a Planned Unit Development (PUD) subject to the provisions of Section 1001, Planned Unit Development.



- (9) A building containing three or more dwelling units.
- (10) Any parking lot or parking lot expansion when not a part of a development or use for which site plan review and approval is required elsewhere in this section.
- (11) Any mineral extraction operation, excavation, earth removal operation, grading activity, earth-filling activity and any other activity resulting in the removal or addition of earth soil, or other similar material except for such activities as are normal, necessary and integral part of any other activity which is exempted from or not required to undergo site plan review. Excavations necessary for drain fields or septic tanks do not require site plan review.
- (12) Any mobile home park plan, which is required to be approved by Planning Commission, Township Board, and receive construction approval by the Michigan Department of Labor and Economic Growth.

(D) **Site Plan Review Procedure.** Site plans shall be reviewed in accordance with the following:

- (1) **Application.** The owner of land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Township, along with appropriate review fees, as determined by Township Board. Any application or site plan that does not satisfy the information requirements of Section 1101(N) shall be considered incomplete, and shall be returned to the applicant.
- (2) **Technical Review.** Prior to Planning Commission consideration, the Zoning Administrator shall distribute copies of the site plan and application to designated Township officials and the Township consultants for review and comment. The Zoning Administrator or Planning Commission may also distribute copies of the site plan and application to other local agencies or departments with jurisdiction for comment on any problems the plans might pose.
- (3) **Planning Commission Consideration of the Site Plan.** The Planning Commission shall review the site plan, together with any reports and recommendations from Township officials, the Township Planner, other Township consultants, and other reviewing agencies. The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 1101 (L), Standards for Site Plan Approval. The staff's review findings and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. The Planning Commission is authorized to table, approve, approve subject to conditions or deny the site plan as follows:
  - (a) **Table.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting. (Michigan Mobile Home Commission rules require local governmental review of mobile home parks to be completed within 60 days after the filing of an application for said approval. Otherwise, the application is automatically approved).
  - (b) **Deny.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied.

If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant or agent to attend two or more meetings shall be grounds for the Planning Commission to deny site plan approval.

- (c) **Approve.** Upon determination that a site plan is in compliance with the standards of this Ordinance, the site plan shall be approved.
- (d) **Approve Subject to Conditions.** The Planning Commission may approve a site plan subject to any conditions necessary to address: necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances, or approvals from other agencies.

The conditions become a part of the site plan, just as if they were part of the original submission.

- (4) **Recording of Site Plan Action.** Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, and conditions or grounds for the Planning Commission's action.
  - (a) After the Planning Commission has taken final action on a site plan, the Zoning Administrator shall clearly mark three copies of the site plans APPROVED or DENIED, as appropriate, with the date that action was taken and any conditions of approval.
  - (b) One marked copy will be returned to the applicant, the second copy will be given to the Building Department, and the third copy shall remain on file at the Township offices per State of Michigan retention guidelines.
- (E) **Outside Agency Permits or Approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.
- (F) **Site Plan Resubmission.** A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements, review fees, and approval procedures as a new application for site plan approval.
- (G) **Expiration of Site Plan Approval.** Site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one extension of final approval for up to one year, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.
- (H) **Rescinding Site Plan Approval.** Site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:
  - (1) **Public Hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1103, Public Hearing Procedures, at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

- (2) **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to the owner or designated agent.
  
- (I) **Revisions to Approved Site Plans.** The Zoning Administrator may administratively review minor revisions to an approved site plan or forward such plans to the Township consultants for a determination, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Zoning Administrator to be minor shall be reviewed by the Planning Commission as an amended site plan.
  
- (J) **Compliance with an Approved Site Plan.** It shall be the responsibility of the landowner, and the owner or operator of the use(s) for whom site plan approval has been granted, to develop, improve and maintain the site, including the use, structures, and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved.
  - (1) To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Planning Commission, Township Engineer, Board of Trustees or Zoning Administrator may require that an irrevocable performance guarantee be deposited with the Township Treasurer, subject to the standards of Section 1202, Fees and Performance Guarantees. The amount of the performance guarantee shall be determined by the Township Engineer.
  - (2) The Zoning Administrator or designee shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered a violation of this Ordinance, and shall constitute grounds for the Planning Commission to rescind site plan approval.
  
- (K) **Construction Plans.** Where detailed construction or engineering plans are required by the Township, Saginaw County or other agency with jurisdiction, the applicant shall submit a copy of such plans to the Building Official for review. The Building Official or designated Township consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval. Construction or engineering plans that are not consistent with the approved site plan shall be subject to review and approval by the Planning Commission as an amended site plan, prior to the start of development or construction on the site.
  
- (L) **Standards for Site Plan Approval.** The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:
  - (1) **Adequacy of Information.** The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable Ordinance requirements.
  - (2) **Site Appearance and Coordination.** The site is designed in a manner that promotes the harmonious and orderly development of surrounding lands, and all site design elements are harmoniously organized in relation to topography, adjacent facilities, traffic circulation, building orientation, and pedestrian access.
  - (3) **Preservation of Site Features.** The site design conserves natural features to the extent feasible. Such features may include wetlands, unique topography, tree rows and hedgerows, wooded areas, and significant individual trees.

- (4) **Access and Circulation.** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site. In addition, adequate pedestrian access has been provided, which is in compliance with barrier-free access standards.
- (5) **Parking and Loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
- (6) **Landscaping and Screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential uses and public rights-of-way.
- (7) **Exterior Lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
- (8) **Impact upon Public Services.** The impact upon public services (including utilities, streets, police and fire protection, public schools and public sidewalks/pathways) will not exceed the existing or planned capacity of such services.
- (9) **Utilities.** The site plan must show all existing and proposed utilities. Water lines shall include any fire hydrants and valves. Sanitary sewers shall include any pumping stations or manholes.
- (10) **Drainage and Soil Erosion.** Adjoining lakes, rivers, streams, lots, and road rights-of-way will not be adversely impacted by stormwater runoff and sedimentation. Includes information on enclosed drains, flow restrictors, pump stations and manholes.
- (M) **Emergency Access and Vulnerability to Hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed existing or planned emergency response capabilities.
- (N) **Required Information for Site Plans.** The following information shall be included with all site plan review applications, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

<b>Minimum Required Site Plan Information</b>
<b>SITE PLAN DESCRIPTIVE INFORMATION</b>
Name, address, telephone and facsimile numbers, and email address of the applicant (and landowner, if different from applicant) and firm or individual preparing the site plan; and the property location (address, lot number, tax identification number). <b>Plans must be signed and sealed</b> by a registered engineer, landscape architect, architect, surveyor or community planner.
Existing and proposed use(s) and existing zoning of the land and all surrounding parcels (including across road rights-of-way).
Location and dimensions of buildings and structures within 100 feet of the property lines.
Address, legal description, and tax identification number of the parcel, with the gross and net land area.
<b>SITE PLAN DATA AND NOTES</b>
Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.
Location map with north-arrow.
Size and dimensions of proposed and existing structures, including gross and usable floor area, number of stories, and overall height.
Calculations for parking, residential density and similar Ordinance requirements.
<b>EXISTING CONDITIONS</b>
General description of deed restrictions, if any.
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains, and wetlands, with surface drainage flow directions, include significant trees and wooded areas.
Dimensions of all property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.
Existing site features, including significant natural and historical features, structures, driveways, fences, walls, signs, and other improvements with notes regarding their preservation or alteration.
<b>SITE PLAN DETAILS</b>
Location, dimensions, setback distances, and use(s) of all proposed improvements.
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.
Identification of areas involved in each separate phase, if applicable.
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding; include a photometric plan that shows footcandles at the lot lines, and manufacturers' cut sheets.
Locations and methods of screening for any waste receptacles; ground-mounted generators, transformers, and mechanical (HVAC) units; and similar devices.
Outdoor sales, display or storage locations and method of screening, if applicable.
Location, type, size and height of proposed signs.

<b>Minimum Required Site Plan Information</b>
<b>BUILDING DETAILS</b>
Building façade elevations for any proposed principal building, drawn to an appropriate scale, dimensioned, and indicating height of building, type and color of building materials.
Building floor plans.
<b>ACCESS AND CIRCULATION</b>
Dimensions and centerlines of existing and proposed rights-of-way, names of abutting streets, and the dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, designation of fire lanes, and location and dimension of loading areas.
<b>SCREENING AND LANDSCAPING</b>
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, the location, size and type of any existing plant materials that will be preserved, and methods of irrigation with source of water.
Plant list for proposed landscape materials, with quantities, sizes, and heights of proposed plant materials; botanical and common names; and methods of installation.
Landscape maintenance plan, including notes regarding on-going replacement of dead or diseased plant materials.
Proposed fences, walls or other screening devices, including typical cross-section, materials and height above grade.
<b>UTILITIES, DRAINAGE, AND ENVIRONMENTAL INFORMATION</b>
Grading plan, with existing and proposed topography at a minimum of two (2) foot contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.
All existing and proposed utilities include information on enclosed drains, flow restrictors, pump stations and manholes.
<b>ADDITIONAL REQUIRED INFORMATION</b>
Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the Township's Master Plan.

**Section 1102 Permitted Uses after Special Approval**

- (A) **Purpose.** This Section provides procedures and standards for special uses of land or structures that because of their unique characteristics require special consideration in relation to the welfare of adjacent properties and the community as a whole. Special uses are specified in each zoning district and include those uses that:
- (1) Serve an area, interest or purpose that extends beyond the borders of the Township;
  - (2) Create particular problems of control in relation to adjoining uses or districts;

- (3) Have detrimental effects upon public health, safety or welfare; or
- (4) Possess other unique characteristics that prevent such uses from being appropriate in all locations as a principal use permitted by right in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Comprehensive Development Plan.

(B) **Application Requirements.** Special use applications shall be submitted in accordance with the following:

- (1) **Eligibility.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant.
- (2) **Application.** Special use applications submitted to the Township shall include the following information:
  - (a) Contact information for the applicant and landowner, and proof of ownership. If the applicant leases the property, the owner's signed and dated authorization for the application shall be provided.
  - (b) Address, location and tax identification number of the parcel.
  - (c) A detailed description of the proposed use.
  - (d) A site plan, as required by Section 1101, Site Plan Review.
  - (e) Appropriate review fees, as determined by the Township Board of Trustees.
  - (f) Any other information deemed necessary by the Zoning Administrator or Planning Commission to determine compliance with this Ordinance.

(C) **Special Use Review Procedure.** Special use applications shall be shall be reviewed in accordance with following procedures:

- (1) **Coordination with Site Plan Review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
- (2) **Technical Review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials. The Zoning Administrator may also submit the application materials to designated Township consultants for review and comment.
- (3) **Public Hearing.** A public hearing shall be held for all special uses in accordance with Section 1103, Public Hearing Procedures.
- (4) **Planning Commission Consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, Township consultants, and other

reviewing agencies, along with any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 1102(G), Standards for Special Use Approval. The Planning Commission is authorized to table, approve, approve subject to conditions or deny the special use as follows:

- (a) **Table.** Upon determination by the Planning Commission that a special use application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
- (b) **Deny.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 1102 (G), Standards for Special Use Approval, or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant to attend two or more meetings shall be grounds for the Planning Commission to deny the special use.
- (c) **Approve.** The special use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 1102(G), Standards for Special Use Approval. Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
- (d) **Approve Subject to Conditions.** The Planning Commission may approve a special use subject to reasonable conditions:
  - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole; or
  - (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or
  - (3) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special use under consideration, and necessary for compliance with those standards.
- (e) **Recording of Special Use Action.** Planning Commission action on the special use shall be recorded in the Planning Commission meeting minutes, stating the name, description, and location of the proposed use; address and tax identification number of the parcel; and the grounds for the Planning Commission's action. The Zoning Administrator shall keep one copy of the written record on file in the Township, and shall forward one (1) copy to the applicant as evidence of special use approval and also give the effects of the approval.
- (f) **Effect of Approval.** Special use approval runs with the land. As long as the use remains as approved, a change of tenant or owner will not affect the special approval. An expansion of use or change of the use shall require new special use approval.



- (D) **Resubmission after Denial.** A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
- (E) **Expiration of Special Use Approval.** Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one extension of up to 365 days, provided that the approved special use conforms to current Zoning Ordinance standards.

- (F) **Rescinding Special Use Approval.** Approval of a special use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:
  - (1) **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1103, Public Hearing Procedures, at which time the operator of the use or owner of an interest in the land or structure(s) for which special use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
  - (2) **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.
- (G) **Standards for Special Use Approval.** Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:
  - (1) **Documented Need Exists for the Proposed Use.** A documented need exists for the proposed use within the community.
  - (2) **Compatibility with Adjacent Uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
  - (3) **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Comprehensive Development Plan.
  - (4) **Compliance with Applicable Regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
  - (5) **Impact upon Public Services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, drainage structures, refuse disposal, and availability or capacity of water and sewage facilities.
  - (6) **Traffic Impacts.** The special use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.

- (7) **Environmental and Public Health, Safety, and Welfare Impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage or other adverse impacts as set by state, federal or other agencies with jurisdiction.
- (8) **Isolation of Existing Uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.
- (H) **Compliance with Special Use Approval.** It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

### **Section 1103 Public Hearing Procedures**

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the following:

- (A) **Special Use and Variance Requests.**
  - (1) **Publication in a Newspaper of General Circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
  - (2) **Personal and Mailed Notice.**
    - (a) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
    - (b) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property, including the owners or occupants of structures located in adjacent cities or townships. If the name of the occupant is not known, the term "occupant" may be used in making notification.
    - (c) All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed mailed by its postmark.
    - (d) **Notice to Other Entities.** Notice of the time and place of the public hearing shall also be given by mail to any electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name with the Township Clerk for the purposes of receiving notice of public hearings.
- (B) **Content of Notice.** Any notice published in a newspaper or delivered by mail or personal delivery shall:

- (1) Indicate of the public body conducting the hearing and deciding on the matter.
- (2) Nature of the matter to be considered at the public hearing.
- (3) Indicate the land that is the subject of the request.
- (4) Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
- (5) Date, time and place of the public hearing.
- (6) A statement of where and when written comments will be received concerning the request.
- (6) Include the places and times at which the proposal subject to the public hearing may be examined.

(C) **Zoning Ordinance Text and Map Amendments**

- (1) **Map Amendments Affecting 10 or Fewer Parcels.** If the proposed map amendment is for an individual parcel or 10 or fewer parcels, notice shall be given as specified in Section 1103(A)(1) and (2).
- (2) **Map Amendments Affecting 11 or More Parcels.** If the proposed map amendment is for 11 or more parcels, notice shall be given as specified in Section 1103(A)(1), with the exception that the notice need not list street addresses of properties that will be included by the map amendment.
- (3) **Text Amendments.** A text amendment notice shall be given as specified in Section 1103(A)(1).

(D) **Rights of All Persons.** Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

(E) **Adjournment.** The body conducting the hearing may at any time, on its own motion or at the request of the applicant or applicant agent, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient. Notice shall be provided of the adjourned hearing date, time, and place per Section 1103(A)(1) Publication in a Newspaper of General Circulation.

**Section 1104. Amendments.**

The Township Board may, after recommendation from the Planning Commission, may amend, supplement or change the provisions of this Ordinance or official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the following:

(A) **Initiation of Amendment.** Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, or by petition from one or more residents or landowners of the Township. An amendment to the official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board or Planning Commission.

- (B) **Application.** An amendment to this Ordinance (except those initiated by the Township Board or Planning Commission) shall be initiated by submission of a complete and accurate application to the Township, along with the required fee established by Township Board. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:
- (1) A legal description and street address of the subject land, together with a survey and location map identifying the subject land in relation to surrounding properties.
  - (2) The name and address of the landowner, and a statement of the applicant's interest in the subject land, if not the owner in fee simple title.
  - (3) The existing and proposed zoning district designation of the subject land and surrounding properties.
  - (4) A written description of how the requested amendment meets the criteria stated in this Section.
- (C) **Amendment Review Procedure.** Proposed amendments to this Ordinance or official Zoning Map shall be reviewed in accordance with the following:
- (1) **Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials and Township consultants, including the Planner, Engineer, and Attorney, as appropriate, for review and comment.
  - (2) **Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with Section 1103, Public Hearing Procedures.
  - (3) **Amendment to Conform with Court Decree.** An amendment to bring any provision of this ordinance into conformance with a decree of any court of competent jurisdiction may be adopted by the township board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this ordinance.
  - (4) **Planning Commission Consideration and Recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, the Township Planner, other Township consultants, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation in writing to the Township Board.

In considering an amendment to the official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:

- (a) Consistency with the Comprehensive Development Plan's goals, policies, and Future Land Use Map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
- (b) Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.

- (c) Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.
  - (d) Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Saginaw County with unplanned capital improvement costs or other unplanned public expenses.
  - (e) Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
  - (f) The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
  - (g) The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
  - (h) The requested rezoning will not create an isolated or incompatible zone in the area.
  - (i) Other factors deemed appropriate by the Planning Commission and Township Board.
- (4) **County Planning Commission Review.** The Zoning Administrator shall forward a copy of the proposed amendment and the report and recommendation from the Township Planning Commission to the Saginaw County Metropolitan Planning Commission for review and comment. The County Planning Commission shall have 30 days from the date of receipt from the Township to review the proposed amendment.
- (5) **Township Board Action.** The Zoning Administrator shall forward a copy of the proposed amendment, the report and recommendation from the Township Planning Commission, and any recommendation from the County Planning Commission to the Township Board for consideration and final action.
- (1) The Township Board may adopt or reject the proposed amendment, or may refer the amendment back to the Township Planning Commission for revision or further consideration.
  - (2) If the Township Board requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Township Planning Commission for further consideration.
  - (3) The Township Board may, at its discretion, hold additional public hearings on the proposed amendment, provided that notice of the hearing shall be published once in a newspaper of general circulation in the Township not less than 15 days before the hearing date.
- (D) **Re-Application.** Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Zoning Administrator determines that one or more of the following conditions has been met:

- (1) There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
  - (2) New or additional information is available that was not available at the time of the review.
  - (3) The new application is materially different from the prior application.
  - (4) Affidavit of mailing. An affidavit of mailing, identifying all parties to whom notice has been sent, including railroad and public utility companies, shall be prepared and filed with other material relating to the public hearing prior to the meeting at which it is held.
- (E) **Filing and Notification.** Upon adoption of any amendment to this Ordinance, including any rezoning, the Zoning Administrator shall file a copy of same with the Township Clerk, and arrange for publication of a notice of ordinance amendment in a newspaper circulated in Buena Vista Charter Township.

### **Section 1105. Conditional Rezoning Amendments.**

The Township recognizes that, under certain instances, it may be to the Township's and the landowner's advantage to consider rezoning of certain lands if the application is accompanied by a site plan and subject to certain conditions. Accordingly, it is the intent of this Section to provide a conditional rezoning option to landowners in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

This option is intended to accomplish the objectives of the Zoning Ordinance through a rezoning review process that applies site planning criteria to achieve integration of the development project and the surrounding area. Conditional rezoning represents a legislative amendment to the Zoning Ordinance. Such actions shall be consistent with Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the following:

- (A) **Eligibility.** A landowner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. To be eligible for review as a conditional rezoning, the landowner shall, as part of an application for rezoning of land to a new zoning district classification, voluntarily offer certain site-specific regulations or conditions that are equally or more restrictive than the regulations of this Ordinance for the proposed zoning district.
- (B) **Pre-Application Meeting.** Prior to submitting a conditional rezoning application, the applicant may meet with the Township Zoning Administrator and other appropriate Township personnel that may include the Township Planner and Township Engineer for preliminary review of the proposal and the review process.
- (C) **Application Requirements.** A conditional rezoning amendment shall be initiated by submission of a complete application and site plan to the Township, along with the required fee established by Township Board. Conditional rezoning applications shall be subject to the following requirements:
  - (1) **Timing of Application.** A landowner may submit an application for conditional rezoning at the time the application for rezoning is filed or at a subsequent point in the process of review of the proposed rezoning. The applicant may, through written notice to the Township, amend the conditional rezoning application at any point during the review process.
  - (2) **General Information.** In the case of any amendment to the official Zoning Map, the following information shall accompany the application and fee:

- (a) A legal description and street address of the subject land, together with a survey and location map identifying the subject land in relation to surrounding properties.
  - (b) The name and address of the landowner, and a statement of the applicant's interest in the subject land, if not the owner in fee simple title.
  - (c) The existing and proposed zoning district designation of the subject land and surrounding properties.
  - (d) A written description of how the requested amendment meets the criteria stated in this Section.
  - (e) The applicant shall, when applicable, provide a conditional rezoning plan, with such detail as proposed by the applicant and approved by the Township Board in accordance with this Section. The conditional rezoning plan shall not replace the requirements for site plan, subdivision or condominium approval under this Ordinance.
- (3) **Rezoning Conditions.** The applicant, subject to the following, shall propose rezoning conditions in writing
- (a) **Permitted conditions.** Rezoning conditions may include some or all of the following:
    - (i) The location, size, height, and setbacks of buildings, structures, and improvements.
    - (ii) The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).
    - (iii) Measures to preserve natural resources or features.
    - (iv) Facilities to address stormwater drainage and water quality using best management practices.
    - (v) Facilities to address traffic issues, such as through road paving or other road improvements.
    - (vi) Farmland or open space preservation provisions.
    - (vii) Minimum landscaping, buffering and screening provisions.
    - (viii) Enhanced screening, beyond that required by this Ordinance.
    - (ix) Building design, materials, lighting and sign criteria.
    - (x) Permissible and prohibited uses of the land.
    - (xi) Measures to protect the rural viewshed, which is an undeveloped area adjacent to the road right-of-way having a minimum undisturbed depth of 300 feet, where existing wetlands, woodlands, farmlands or scenic vistas are preserved.
    - (xii) Reclamation and reuse of land, where previous use of land causes severe development difficulties or blight.

- (xiii) Other conditions as deemed important to the development by the applicant.
- (b) **Prohibited conditions.** Such rezoning conditions shall not:
  - 1. Authorize uses or development of greater intensity or density than are permitted in the district proposed by the rezoning.
  - 2. Authorize uses or development expressly or implicitly prohibited in the district proposed by the rezoning.
- (D) **Review and Approval Procedures.** After the completed application and all required supporting materials have been received and fees paid, the proposed conditional rezoning amendment and application materials shall be reviewed in accordance with the following procedures:
  - (1) **Technical Review.** Prior to Planning Commission consideration, the proposed conditional rezoning amendment and application materials shall be distributed to appropriate Township officials and Township consultants for review and comment.
  - (2) **Public Hearing.** A public hearing shall be held for the proposed conditional rezoning amendment in accordance with Section 1103, Public Hearing Procedures.
  - (3) **Planning Commission Review and Recommendation.** Subsequent to the public hearing, the Planning Commission shall review the proposed conditional rezoning amendment, together with any reports and recommendations from staff, the Township Planner, other Township consultants, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation in writing to the Township Board.
  - (4) **County Planning Commission Review.** The Zoning Administrator shall forward a copy of the proposed conditional rezoning amendment and the report and recommendation from the Township Planning Commission to the Saginaw County Planning Commission for review and comment. The County Planning Commission shall have 30 days from the date of receipt from the Township to review the proposed conditional rezoning amendment.
  - (5) **Township Board Action on the Conditional Rezoning Amendment.** The Zoning Administrator shall forward a copy of the proposed conditional rezoning amendment, the report and recommendation from the Township Planning Commission, and any recommendation from the County Planning Commission to the Township Board for consideration and final action:
    - (a) **Additional Hearings.** The Township Board may, at its discretion, hold additional public hearings on the proposed conditional rezoning amendment, provided that notice of the hearing shall be published once in a newspaper of general circulation in the Township not less than 15 days before the hearing date.
    - (b) **Rejection.** The Township Board may reject the proposed conditional rezoning amendment.
    - (c) **Adoption.** If the Township Board determines that it may adopt the conditional rezoning, then the Township Board shall direct the Township Attorney to review a conditional rezoning agreement, per Section 1105(E), Conditional Rezoning Agreements. Upon completion of the conditional rezoning agreement, the



Township Board may adopt or reject the conditional rezoning amendment, including any conditional rezoning plan and conditional rezoning agreement.

(E) **Conditional Rezoning Agreement**

As directed by the Township Board, the applicant or designee shall prepare a proposed conditional rezoning agreement. The proposed agreement shall incorporate the conditional rezoning plan proposed by the applicant, and shall set forth the rezoning conditions and any other terms mutually agreed upon by the parties relative to the land subject to the proposed conditional rezoning.

(1) **Contents and Terms.** A conditional rezoning agreement shall include the following terms:

- (a) Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms in the conditional rezoning agreement.
- (b) Agreement and acknowledgement that the conditions and conditional rezoning agreement are authorized by all applicable state and federal laws and constitution, and that the conditional rezoning agreement is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.
- (c) Agreement and understanding that the land in question shall not be developed or used in a manner that is inconsistent with the optional conditional rezoning plan and conditional rezoning agreement.
- (d) Agreement and understanding that the approval and conditional rezoning agreement shall be binding and upon and inure to the benefit of the landowner and the Township, and their respective heirs, successors, assigns, and transferees.
- (e) Agreement and understanding that, if a conditional zoning becomes void in the manner provided in this Section, no development shall be undertaken or permits for development issued until the underlying zoning district classification of the land has been re-established by resolution of the Board of Trustees.
- (f) Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.

(2) **Effective Date and Recording of Conditional Rezoning Agreement.** A conditional rezoning shall become effective following both publication in the manner provided by law and recording of the conditional rezoning agreement with the Saginaw County Register of Deeds office by the Township Clerk.

(3) **Amendment of Conditional Rezoning Agreement.** Amendment of a conditional rezoning agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.

- (4) **Expiration of Conditional Rezoning Agreement.** The conditional rezoning approval shall expire following a period of two years from the effective date of the rezoning unless:
  - (a) Approved development of the land commences within such two year period and proceeds diligently and in good faith as required by ordinance to completion; or
  - (b) The rezoning is extended for good cause by the Township Board as provided for in Section 1105(J), Extension of Conditional Rezoning Approval.
  
- (F) **Approval Criteria.** The applicant shall have the burden of demonstrating that the following requirements and standards are met by the conditional rezoning plan, rezoning conditions, and conditional rezoning agreement:
  - (1) **Enhancement of the Project Area.** The Township Board shall determine that approval of the conditional rezoning shall:
    - (a) Accomplish the integration of the proposed land development project with the characteristics of the project area; and
    - (b) Result in an enhancement of the project area that would be unlikely to be achieved or would not be assured without the use of conditional rezoning.
  
  - (2) **In the Public Interest.** The Township Board shall determine that, in considering the site specific land use proposed by the applicant, sufficient conditions have been included in the conditional rezoning plan and conditional rezoning agreement so that the public interest would be served by granting the conditional rezoning.

In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles and factors.
  
  - (3) **Other Amendment Considerations.** In considering a conditional rezoning amendment, the Planning Commission and Township Board shall also consider the following factors:
    - (a) Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
    - (b) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with the site's physical, geological, hydrological, and other environmental features.
    - (c) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with surrounding uses, densities, and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.
    - (d) Capacity of available utilities and public services to accommodate all potential uses allowed in the zoning district(s) under the proposed conditional rezoning without compromising the health, safety, and welfare of Township residents or burdening the Township or Saginaw County with unplanned capital improvement costs or other unplanned public expenses.

- (e) Capability of the road system to safely and efficiently accommodate the expected traffic generated by all potential uses allowed in the zoning district(s) under the proposed conditional rezoning.
  - (f) The apparent demand for the types of potential uses allowed in the zoning district(s) under the proposed conditional rezoning in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
  - (g) The boundaries of the proposed zoning district(s) in relationship to the surrounding area and the scale of future development on the site.
  - (h) The requested conditional rezoning will not create an isolated or incompatible zone in the area.
  - (i) Other factors deemed appropriate by the Township Board.
- (G) **Zoning District Designation.** If approved, the zoning classification of the rezoned land shall consist of the district to which the land has been rezoned accompanied by a reference to “CR” (Conditional Rezoning). For example, the Official Zoning Map designation for a conditional rezoning to the M-I Industrial District would be “M-1/CR.”
- (H) **Re-Application.** Whenever a conditional rezoning application has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Zoning Administrator determines that one or more of the following conditions has been met:
- (1) There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
  - (2) New or additional information is available that was not available at the time of the review.
  - (3) The new application is materially different from the prior application.
- (I) **Development Subject to Conditional Rezoning Requirements.** The use and future development of land subject to an approved conditional rezoning shall conform to all regulations governing development and use in the zoning district to which the land has been rezoned, and the more restrictive requirements specified on the approved conditional rezoning plan and in the conditional rezoning agreement.
- No other development or use shall be permitted, and the requirements of the approved conditional rezoning site plan and conditional rezoning agreement shall supersede all inconsistent regulations otherwise applicable under this Ordinance.
- (J) **Extension of Conditional Rezoning Approval.** In the event that a bona fide development has not commenced within two years from the effective date of the rezoning, the conditional rezoning and conditional rezoning agreement shall be void and of no effect.
- (1) The Township Board may approve one extension of up to 365 calendar days, upon written request by the landowner received by the Township Clerk before the two year time limit expires.
  - (2) The landowner shall show good cause why the extension should be granted.

- (K) **Revert to Former Zoning.** If the conditional zoning becomes void and of no effect, then by automatic reverter as set forth in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the land shall revert to its former zoning classification, which shall be confirmed by resolution of the Township Board.
  
- (L) **Violations of the Conditional Rezoning Agreement.** If development or actions are undertaken on or with respect to the land that are in violation of the conditional rezoning agreement, such development or actions shall constitute a nuisance per se.
  - (1) In such case, the Township may issue a stop work order relative to the land and seek any other lawful remedies.
  
  - (2) Until curative action is taken to bring the land into compliance with the conditional rezoning agreement, the Township may withhold or, following notice and an opportunity to be heard, revoke permits and certificates; in addition to or in lieu of such other lawful action to achieve compliance.

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**Chapter 12**  
**ADMINISTRATION AND ENFORCEMENT**

**Section 1201. Authority, Duties, and Responsibilities.**

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the following boards, commissions, and persons that are charged with administering, implementing, and enforcing the provisions of this Ordinance.

Authority and responsibility for the administration and enforcement of all provisions of this Ordinance shall be as follows:

**(A) Township Board Authority and Responsibilities.**

- (1) **Adoption of this Ordinance and any Amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act PA 110 of 2006, as amended, the Township Board shall have the authority to adopt this Ordinance, and its related Official Zoning Map, as well as any subsequent amendments considered in accordance with Section 1104, Amendments. Adoption of any change to this Ordinance shall be by an amendatory Ordinance.
- (2) **Set Fees.** The Township Board shall, by resolution, set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance, to defray expenses incurred in processing such permits, applications, and requests for action, and/or other activities the Township Board sees fit to add.
- (3) **Appointment, Oversight, and Removal of Zoning Officials.** The Township Board may appoint a Zoning Administrator and/or Code Enforcement Officer to act as its officer for the proper administration of this Ordinance; and shall appoint a Code Enforcement Officer to act as its officer for the proper enforcement of this Ordinance.
  - (a) The Zoning Administrator and Code Enforcement Officer shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
  - (b) The Township Board in accordance with such employment terms and conditions may remove the Zoning Administrator or Code Enforcement Officer from office as the Board shall determine.
  - (c) The duties and responsibilities of the Zoning Administrator and/or Code Enforcement Officer positions may be vested in one person; divided among two or more persons; or delegated to designated Township consultants, as the Township Board may determine.

**(B) Planning Commission Authority and Responsibilities.** The Planning Commission shall have the following responsibilities and duties pursuant to this Ordinance.

- (1) **Zoning Commission Duties.** The Buena Vista Charter Township Planning Commission shall have all powers, duties, and responsibilities for a zoning commission as provided by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

- (2) **Formulation of Zoning Ordinance and Amendments.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, including amendments of the Zoning Map holding hearings on a proposed Zoning Ordinance or amendment and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to Township Board.
  - (3) **Site Plan and Special Approval.** The Planning Commission shall be responsible for review and approval of site plans, per Section 1101, Site Plan Review and Section 1102, Permitted Uses after Special Approval; and for holding hearings, reviewing, and making determinations to approve, approve subject to conditions, or deny applications.
  - (4) **Planned Unit Development Review and Recommendation.** The Planning Commission shall be responsible for holding hearings, reviewing, and making recommendations to Township Board to grant approval, approval with conditions, or denial of proposed Planned Unit Development (PUD) projects, per Section 1001.
  - (5) **Formulation of a Master Plan.** The Planning Commission is hereby designated as the planning commission specified in the Michigan Planning Enabling Act P.A. 33 of 2008, as amended, and shall perform the planning duties of said planning commission as provided in the statute.
  - (6) **Review of Matters Referred by Township Board.** The Planning Commission shall be responsible for review of subdivision plats and other land development matters referred by the Township Board.
  - (7) **Report on the Operation of the Zoning Ordinance.** The Planning Commission shall annually oversee the preparation of a report to Township Board on operations under the Zoning Ordinance, including recommendations as to the enactment of amendments or supplements to the Ordinance, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.
- (C) **Zoning Board of Appeals Authority and Responsibilities.** The Zoning Board of Appeals (ZBA) is hereby established, which shall perform its duties as provided for in this Ordinance and the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected, and substantial justice done.
- (1) **Membership.** The Buena Vista Charter Township ZBA consists of five members. One member shall be member of the Township Planning Commission, one member may be a member of the Township Board, and the remaining members shall be appointed by the Township Board from among the electors residing in the township. An elected township officer may not serve as chairperson of the ZBA. An employee or contractor of the Township Board may not serve as a member or employee of the ZBA. Members of the ZBA are removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

Two alternate members shall be appointed by the Board of Trustees to sit as members of the ZBA in the absence of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest. Any alternate member shall have the same voting rights as a regular member of the ZBA.

- (2) **Terms of Office.** ZBA members shall serve for three-year terms, except for members serving because of their membership on the Planning Commission or Township Board, whose terms are limited to the time they are members of said bodies and any period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (3) **Per Diem or Expenses.** The total amount allowed for ZBA members in one year as per diem or reimbursement of expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which shall be appropriated annually by the Township Board.
- (4) **Rules of Procedure.** The ZBA shall conduct business, organize meetings, and perform its duties as provided for in this Ordinance, the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended, any rules of procedure adopted by the ZBA, and the following:
  - (a) **Leadership.** The board shall choose its Chairperson and Vice-Chair person from the regular ZBA membership
  - (b) **Meetings.** Meeting shall be held at the call of the chair and at such other times as the ZBA in its rules of procedure may specify. A minimum of three ZBA members shall constitute a quorum for the conducting of business. All meetings of the ZBA shall be open to the public.
  - (c) **Records.** Minutes shall be recorded of all proceedings and shall contain evidence and dates relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed with the Township Clerk and are public record.
  - (d) **Majority Vote Required.** The concurring vote of three members of the ZBA is necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the ZBA is required to pass, or to grant any variance from the terms or conditions of this Ordinance.
  - (e) **Decisions.** The ZBA shall return a decision upon each case within 30 days of the filing of a request for appeal, unless a further time is agreed to by the applicant. The ZBA shall make no determination on a specific case until after a public hearing has been held in accordance with Section 1103 Public Hearing Procedures. Each decision shall include a written record of the specific findings and determinations made by the ZBA in the case. No permit authorized by such a decision shall be issued until the decision has taken effect.
  - (f) **Conflict of Interest.** A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
  - (g) **Duties.** The ZBA shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined herein. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, or to change the terms or intent of this Ordinance.

- (5) **Variations.** The ZBA shall have the authority to grant variations from specific requirements of this Ordinance in accordance with the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended, and the provisions of this Article. The ZBA shall state the grounds for the granting or denying of a variance, and may consider lesser variations than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Ordinance.
- (a) **Dimensional Variations.** The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional non-use standards of this Ordinance shall require a finding of practical difficulty. To grant a variance, the ZBA shall determine the request meets one or more of the following criteria:
- (i) **Practical Difficulty.** Strict compliance with the specified dimensional standards will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or create a practical difficulty that would unreasonably prevent the owner from using the property for a permitted purpose.
  - (ii) **Unique Circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
  - (iii) **Substantial Justice.** The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
  - (iv) **Preservation of Property Rights.** The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same district and vicinity.
  - (v) **Public Safety and Welfare.** The requested variance or appeal can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured.
  - (vi) **More Than Mere Inconvenience.** The alleged practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.
  - (vii) **Not Self-created.** The problem and resulting need for the variance has not been self-created by the applicant.
  - (viii) **Additional Considerations.** The ZBA shall consider all of the following when reviewing a variance to ensure that the proposed variance is the minimum necessary to meet the requirements of the applicant under the Ordinance:
    - (1) The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant.



- (2) The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
  - (3) The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
  - (4) The granting of a variance will not alter the essential character of the neighborhood or surrounding properties.
  - (5) The granting of a variance will not impair the adequate supply of light and air to any adjacent property.
- (b) **Resubmission.** Any request that is denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one year from the date of denial. However, if new evidence or changed conditions are found, the ZBA may elect to rehear a case, subject to all applicable notice requirements.
- (c) **Conditions.** The Zoning Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition automatically invalidates any zoning permit granted pursuant to the ZBA action. When it attaches conditions to an approval, the ZBA may require a performance guarantee, as specified by Section 1202, Fees and Performance Guarantees.
- (6) **Use Variances.** The ZBA shall not have authority to issue a use variance.
- (7) **Administrative Appeals.** The ZBA shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Consideration of administrative appeals shall be subject to the following:
- (a) **Standing to Appeal.** Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved, or by an official, department, board or commission of the Township affected by the order, requirement, decision or determination. Such appeals shall be filed with the Township within 30 calendar days of the order, requirement, decision or determination.
  - (b) **Stay of Proceedings.** An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Zoning Administrator certifies to the ZBA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
  - (c) **Review Criteria for Administrative Appeals.** The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:
    - (1) Constituted an abuse of discretion;
    - (2) Was arbitrary or capricious;
    - (3) Was based upon an erroneous finding of a material fact; or
    - (4) Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may reverse or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in its determination, ought to be made under the provisions of this Ordinance. In doing so, the ZBA shall exercise all authority granted by this Ordinance to the person or body from whom the appeal is taken.

- (8) **Interpretations of Zoning Ordinance Provisions.** The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance and the Township Comprehensive Development Plan.
  - (a) **Interpretation of Zoning District Boundaries.** Where an ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Buena Vista Charter Township Zoning Ordinance and Comprehensive Development Plan. Each such interpretation shall establish the precedent for future treatment of the issue being addressed without requiring further action by the board. The Zoning Administrator shall keep a concise record of all interpretations made by the ZBA to facilitate such reference. The following items may be interpreted by the ZBA:
    - (b) Boundaries that approximately follow the centerlines of roads, watercourses, lot lines or municipal boundaries shall be construed to follow such lines.
    - (c) Boundaries that follow railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.
    - (d) Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.
    - (e) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
    - (f) Where features referenced on the Official Zoning Map no longer exist or are at variance with the depiction on the Official Zoning Map, the ZBA shall interpret the district boundaries.
- 9) **Appeal of a ZBA Decision.** Appeals of a ZBA decision shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision, whichever occurs first, and shall be made in the manner provided by Section 606 of P. A. 110 of 2006, as amended.
- 10) **Expiration of Approval.** No order of the ZBA permitting the construction or alteration of a structure shall be valid for a period longer than 365 calendar days, unless a building or zoning permit for such construction or alteration is obtained within such period, and the construction or alteration is started and proceeds to completion in accordance with the terms of such permit.
- 11) **Limitations of Authority.** The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission or Township Board

regarding amendments to this Ordinance, special use approvals or planned unit development applications. The ZBA shall not have the authority to alter this Zoning Ordinance or Official Zoning Map.

- (D) **Township Clerk Authority and Responsibilities.** The Township Clerk or duly authorized representatives shall have the following responsibilities under this Ordinance:
- (1) Publish all notices required by these regulations, or verify such publication by the Zoning Administrator.
  - (2) Maintain official records and file all official minutes and documents in an orderly fashion.
  - (3) Perform other related duties specified in this Ordinance for the Clerk.
- (E) **Zoning Administrator.** The Buena Vista Charter Township Board, with the recommendation of the Planning Commission, shall employ a Zoning Administrator to administer and enforce this Ordinance. The Township Board may designate the Township Building Inspector as the Zoning Administrator. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed to assist the Zoning Administrator. The Zoning Administrator's duties include the following items:
- (1) **Applications and permits.** All applications for zoning permits shall be submitted to the zoning administrator, who shall keep a record of all applications, related documentation and resulting zoning permits. This record shall be a public record, open for inspection upon request. When all applicable provisions of this ordinance have been met regarding any application, the zoning administrator shall issue a zoning permit for the proposed use. When conditions are not met, the zoning administrator shall consult with the applicant regarding a further course of action.
  - (2) **Written Denial.** When any application for a zoning permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
  - (3) **Hearing Notices.** The Zoning Administrator shall publish all notices required by these regulations, or assist the Township Clerk with such publication.
  - (4) **Distribution.** The Zoning Administrator shall distribute all applications for zoning or development approval such as site plan review, special use review, and planned development review with copies of the site plan and application to designated Township officials and consultants for review and comment.
  - (5) **Inspections.** For purposes of this Ordinance, the Zoning Administrator shall have the power of a police officer and may make inspections of any building or parcel to enforce this Ordinance.
  - (6) **Record Nonconforming Uses.** The Zoning Administrator shall record all nonconforming uses known to exist on the effective date of this Ordinance to carry out the provisions of Chapter 9, Nonconformities.
  - (7) **Record Special Uses.** The Zoning Administrator shall keep a record of all special use permits issued under the terms of this Ordinance to carry out provisions of Section 1102, Permitted Uses after Special Approval.

- (8) **Record Variances, Administrative Reviews and Interpretations.** The Zoning Administrator shall maintain a concise record of all variances, administrative reviews and interpretations of this Ordinance rendered by the ZBA under Section 1201 (C), Zoning Board of Appeals Authority and Responsibilities. This record shall be consulted whenever interpretation questions arise to determine whether any applicable precedents have been set.
  - (9) **Public Information.** The Zoning Administrator shall respond to inquiries and provide citizens and public officials with information relative to these regulations and related matters. This may include assisting applicants to complete appropriate forms and follow procedures related to site plan review, rezoning, and other zoning matters.
  - (10) **Respond to Complaints.** The Zoning Administrator shall respond or initiate investigate within five business days, whenever possible, to any complaint alleging a violation of the terms or conditions of this Ordinance or of any permit issued pursuant to it. The Zoning Administrator shall summarize the nature and disposition of recent complaints at each regular Planning Commission meeting.
  - (11) **Authority.** In carrying out designated duties, the Zoning Administrator shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Board.
  - (12) **May Not Change Ordinance.** Under no circumstances is the Zoning Administrator permitted to change this Ordinance or to vary its items.
  - (13) **Publicize Amendments.** The Zoning Administrator shall file copies of all amendments to this ordinance with the township clerk and public notices of same as required by Section 1205(3)(H). The Zoning Administrator shall, in consultation with the Township Clerk, maintain the current Official Zoning Map of the Township and an up-to-date Zoning Ordinance text by recording all adopted amendments.
- (F) **Township Planner Responsibilities.** The Township may employ a Township Planner, who may be a member of Township staff, or a firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:
- (1) Prepare and administer such plans and Ordinances as are appropriate for the Township and its environs, within the scope of the appropriate Michigan planning and zoning enabling acts.
  - (2) Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
  - (3) Advise and assist Township Board and other authorized Township bodies or officials who are responsible for carrying out their directives.
  - (4) Provide citizens and public officials with information relative to these regulations and related matters.
  - (5) At request of the Township, review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.

- (6) At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other Ordinances to accomplish the planning objectives of the Township.
  - (7) Periodically report to the Planning Commission on the status of Township's zoning and planning administration.
  - (8) Perform other related duties, as authorized, to administer these regulations.
- (G) **Zoning Permits Administration.** No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit. No permit shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance. Zoning permits shall be subject to the following:
- (1) **Building Permit includes Zoning Permit Approval.** For purposes of this Section and Ordinance, building permits issued by the Building Official in accordance with the State Construction Code enforced by the Township shall also include any zoning permit approval required under this Ordinance. The Building Official shall be responsible for consulting with the Zoning Administrator to verify compliance with this Ordinance, prior to issuing building permits under the State Construction Code enforced by the Township.
  - (2) **Zoning Permits.** Wherever a provision of this Ordinance requires approval of a permit for work not regulated by the State Construction Code enforced by the Township, zoning permit approval shall be required subject to the provisions of this Section. The Zoning Administrator shall have the authority to grant zoning permits, and shall be responsible for consulting with the Building Official to verify that no building permits are required for the proposed work under the State Construction Code enforced by the Township, prior to issuing a zoning permit under this Ordinance.
  - (3) **Application.** Zoning permit applications shall be filed with the Zoning Administrator, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Administrator to determine whether the proposed improvements conform to the provisions of this Ordinance. The Zoning Administrator may require that submittal of a permit application be accompanied by plans and specifications drawn to scale and showing the following:
    - (a) The location, shape, area, and dimensions of the lot involved.
    - (b) The locations of water and septic systems proposed and existing in the general area.
    - (c) The size, shape, dimensions, and location of any existing or proposed structures to be situated on the parcel.
    - (d) The existing and proposed use of the parcel and all structures upon it.
    - (e) The location and dimensions of any existing and proposed yard, open space, and parking areas.
    - (f) Proposed setbacks of structures from property lines, roads, lakes, and streams.

- (g) Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.
- (4) **Permit Issuance.** Issuance of zoning permits under this Ordinance shall be subject to the following:
- (a) The Zoning Administrator shall issue a zoning permit within 10 business days after determination that the proposed work conforms with all applicable provisions of this Ordinance.
  - (b) It shall be unlawful for the Zoning Administrator to issue a zoning permit for proposed work that does not or has not been determined to conform to all applicable provisions of this Ordinance.
  - (c) No permit shall be issued until the Zoning Administrator has received notification of final approval of a site plan, special use or other necessary approval from the Planning Commission, including any conditions of approval.
  - (d) In all cases where the Zoning Administrator shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.
  - (e) Proof of zoning permit approval shall be conspicuously posted upon the premises.
- (5) **Revocation.** The Zoning Administrator may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The Zoning Administrator shall notify the owner of such revocation in writing.
- (6) **Duration.** For purposes of this Section and Ordinance, expiration or revocation of a building permit issued by the Building Official in accordance with the State Construction Code enforced by the Township shall also void any zoning permit approval. Where a zoning permit is issued by the Zoning Administrator in accordance with this Section, the following standards shall apply:
- (a) If construction is not started within 365 calendar days of the date a permit is issued, the zoning permit shall become void and a new permit application must be filed with the Zoning Administrator.
  - (b) Upon written request, the Zoning Administrator may grant one extension of zoning permit approval for up to 180 calendar days.
- (7) **Zoning Inspections.** It shall be the duty of the holder of every permit to notify the Township of the time when the work subject to the permit is ready for inspection.
- (a) It shall be the duty of the Building Official to inspect work performed under an approved building permit for compliance with the provisions of this Ordinance.
  - (b) It shall be the duty of the Zoning Administrator to inspect work performed under an approved zoning permit for compliance with the provisions of this Ordinance.

**Section 1202. Fees and Performance Guarantees.**

- (A) **Fees.** The Township Board may, by resolution, establish a schedule of fees for all permit applications required by this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance. No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees, charges, and expenses have been paid in full. The schedule of fees shall be posted on public display in the Township offices, and may be changed only by the Township Board.
- (B) **Performance Guarantees.** To ensure compliance with this Ordinance and faithful completion of required improvements, the Planning Commission, ZBA, or Township Board may require that the applicant deposit with the Township Treasurer a financial guarantee to ensure faithful completion of improvements as defined in (20) below, required as a condition of a zoning approval. Such guarantees shall be deposited prior to the start of work or issuance of any permits, and shall be subject to the following:
- (1) The amount of the performance guarantee shall be established by the Planning Commission, ZBA or Township Board who shall specify the amount of the performance guarantee and the conditions for which the guarantee is required. The amount should be sufficient to enforce compliance with the specified conditions.
  - (2) "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.
  - (3) The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety acceptable to the Township Board.
  - (4) Performance guarantees shall continue until such time as the Township notifies the surety that the conditions imposed upon the development have been met. The surety shall be released in its entirety when the Zoning Administrator and/or Building Official are satisfied that the conditions for such action have been met.
  - (5) **Return of Cash Deposit.** Upon satisfaction of any condition for which a cash deposit has been made as a performance guarantee the Zoning Administrator must give written certification to the Township Treasurer that said condition has been satisfied. Said certification shall identify the condition, the amount of deposit paid for its guarantee, any amount that may have been used to enforce compliance, and the remaining balance (if any): The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.
  - (6) **Use of Escrowed Funds.** If the Zoning Administrator determines that a condition of a zoning permit has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may recommend to the Planning Commission or Zoning Board of Appeals that funds escrowed as a performance guarantee for that condition be used to bring about compliance [with] it. The Planning Commission or Zoning Board of Appeals shall decide whether to approve said recommendation to the Township Board. Escrowed funds may only be spent upon an authorizing resolution of the Buena Vista Charter Township Board. Said resolution shall direct the Zoning Administrator to

take any action or procure any services which he or she deems necessary to bring about compliance with said condition.

**Section 1203. Violation and Penalties.**

- (A) **Violations and Penalties.** Violation of any provision of this ordinance is declared to be a nuisance per se. Any buildings or activities which are considered to be possible violations of this ordinance, observed by or communicated to a township official or employee, shall be reported to the zoning administrator.
- (B) **Inspection and Order.** The zoning administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this ordinance.
- (C) **Correction Period.** Orders to correct violations shall allow a correction period of not less than 30 nor more than 60 days, as the zoning administrator deems necessary.
- (D) **Action by Township Attorney.** A violation not corrected within said period shall be reported to the township attorney, who shall initiate legal procedures to eliminate such violation. Once a violation is referred to the township attorney, any legal action which the attorney deems necessary to restore compliance with all terms and conditions of this ordinance is hereby authorized
- (E) **Penalties.** Every person, whether as principal, agent, servant, employee, or otherwise, including the owners of any building, structure or parcel, or part thereof, where any violation of this ordinance exists or is created, and who violates or refuses to comply with any provision of this ordinance shall be guilty of maintaining a nuisance per se. Upon conviction thereof, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both, within the discretion of the court.
  - (1) The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
  - (2) For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.

Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven 7 calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.
  - (3) Cumulative rights and remedies. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
  - (4) **Public Nuisance.** Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- (F) **Conflicting Regulations.** Whenever any of the provisions or limitations imposed or required by this ordinance are more stringent than those of any other law or ordinance, then they govern, provided also that whenever the provisions of any other law or ordinance are more stringent than this ordinance, the other law or ordinance shall govern.



## **Chapter 13**

# **SEVERABILITY, REPEAL, EFFECTIVE DATE AND ADOPTION**

### **Section 1301. Severability.**

If any part, sentence, paragraph, provision or section of this ordinance or application thereof is adjudged unconstitutional or invalid, such invalidity shall not affect the remaining portion or application of the Ordinance as a whole. It is hereby declared that the legislative intent would have been to adopt this Ordinance as if the invalid provision had not been included.

### **Section 1302. Repeal.**

All previous zoning ordinances adopted by Buena Vista Charter Township, and all amendments thereto are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance.

However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired:

- (1) Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed.
- (2) Any prosecution started with 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

### **Section 1303. Adoption.**

This Ordinance was adopted by the Township Board of Buena Vista Charter Township, Saginaw County, Michigan, following compliance with all procedures required by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, at its regular meeting duly held on the 27th day of April, 2009, and ordered to be given publication in the manner prescribed by law.

### **Section 1304. Effective Date.**

This Ordinance is hereby declared to be effective as of the 6th day of May, 2009. pursuant to the notice of adoption required under the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

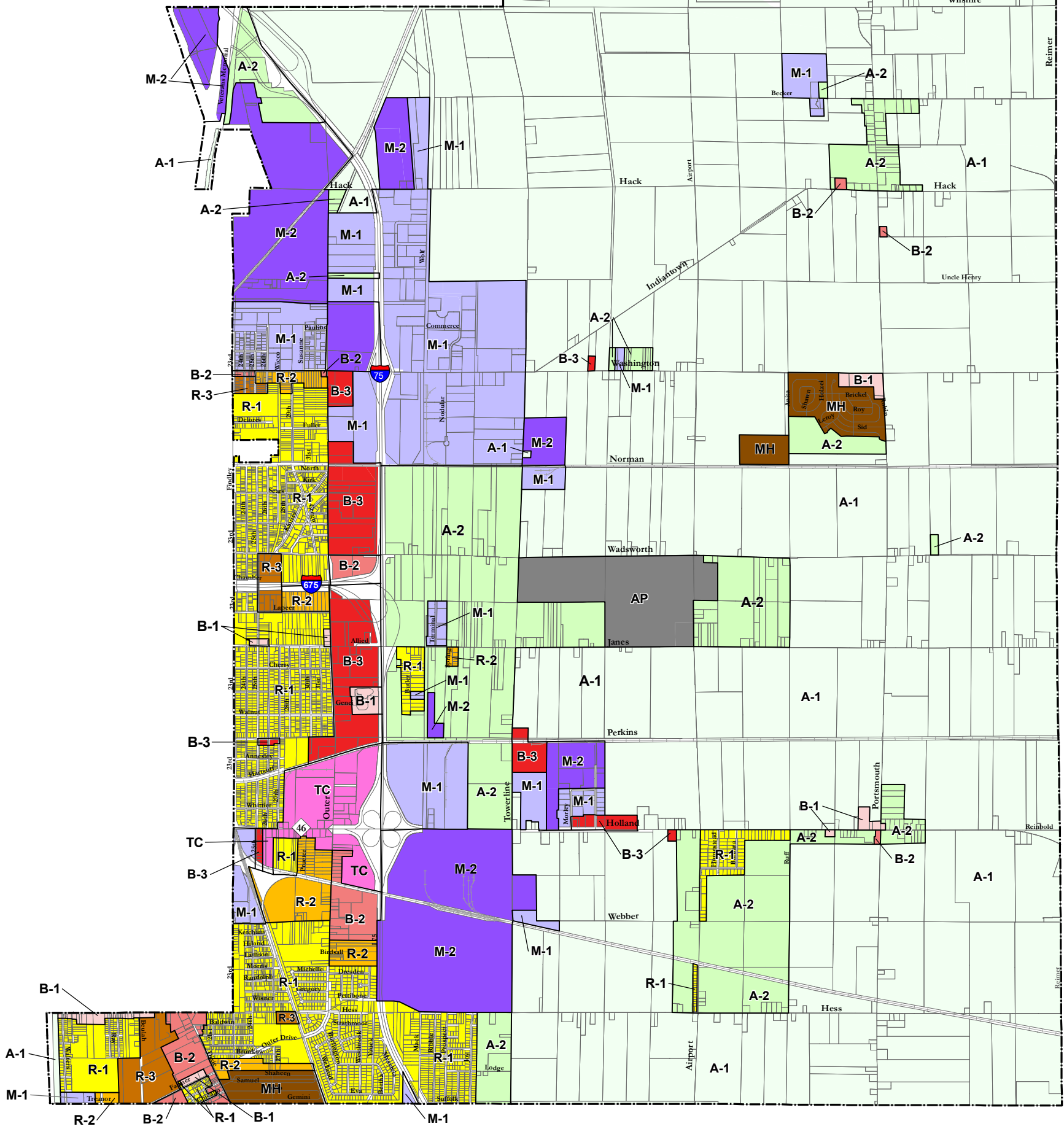
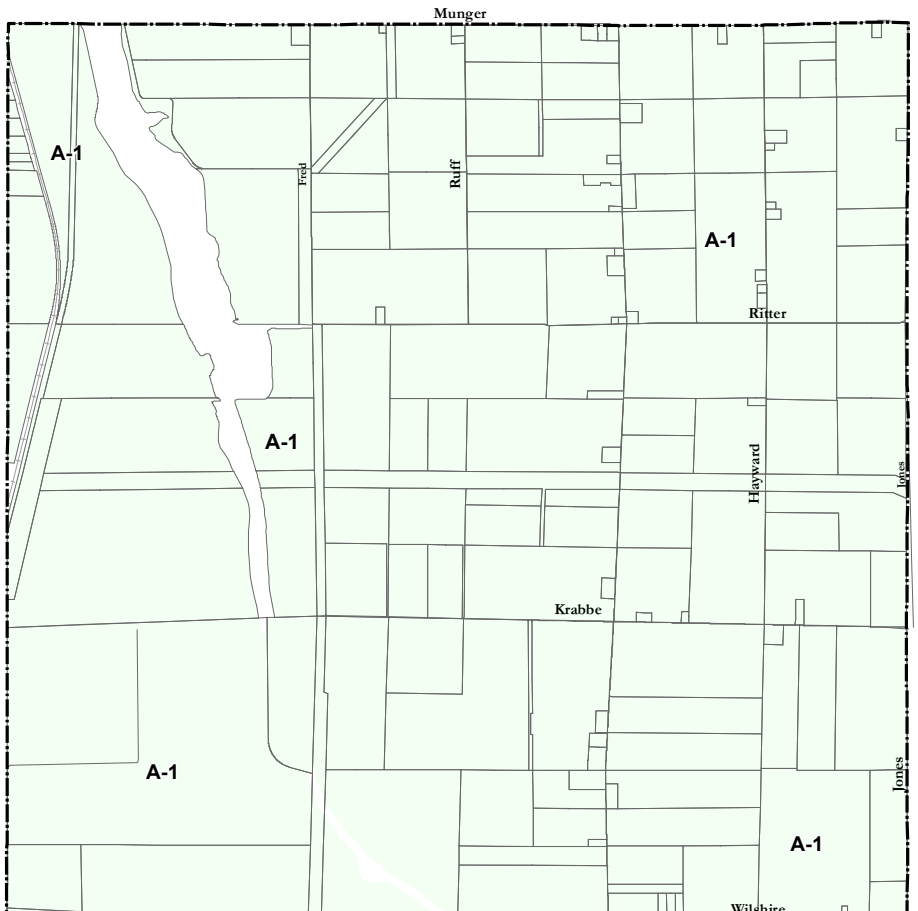
**CERTIFICATION**

I, Barbara Montgomery, Township Clerk, Buena Vista Charter Township, do hereby certify that this is a true copy of the zoning map adopted by the Township Board for Buena Vista Charter Township, Saginaw County, Michigan, on the 18th day of April, 2009, as well as those amendments made as of the revision dates shown.

*Barbara Montgomery*  
 Barbara Montgomery, Clerk, Buena Vista Charter Township

The parcel lines of this map are representative of the actual parcel lines and are not intended to be substituted for an official survey or used to resolve boundary or area discrepancies. Consult official Buena Vista Charter Township records for precise distances, boundaries and areas of parcels.

Date	Ordinance #	Date	Ordinance #	Date	Ordinance #



# Buena Vista Charter Township Zoning Map

## Saginaw County, Michigan

- A-1 Agricultural (Farmland Preservation)
- A-2 Agricultural (Dispersed Residential)
- R-1 Residential (Single Family)
- R-2 Residential (One and Two Family)
- R-3 Residential (Multi Family)
- MH Mobile Home Park
- TC Town Center
- B-1 Commercial (Local Business)
- B-2 Commercial (Intensive)
- B-3 Commercial (Wholesale and Business Services)
- M-1 Industrial (Limited Manufacturing)
- M-2 Industrial (Intensive Manufacturing)
- PU Planned Unit Development
- AP Airport

Base Map Source: Saginaw Area GIS Authority, 2005  
 Data Source: Saginaw Area GIS Authority, (11/1/2007)  
 and Buena Vista Charter Township

